

**Consultation on exemptions to the age-based limits for
taxis and PHVs (23 May – 18 July 2011)**

Report on the consultation

October 2011

Taxi and Private Hire (TPH)

Transport for London (TfL)

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1. Introduction

- 1.1 Age-based limits and emissions standards will be introduced for taxis and private hire vehicles (PHVs) in London from 1 January 2012. This follows the publication on 14 December 2010 of the Mayor's Air Quality Strategy ("MAQS") after public and stakeholder consultation on a draft of the MAQS in which such standards were proposed. Transport for London (TfL) is under a statutory duty to exercise its functions with regard to the MAQS, including these policies, when it licenses taxis and PHVs. The age based limits and emissions standards themselves are to be implemented by TfL by changes to the Conditions of Fitness for Taxis and the relevant Private Hire Vehicles (PHVs) Licence Regulations which will have effect on 1 January 2012.
- 1.2 The MAQS set out that there would be further consultation on a limited number of exemptions to the age-based limits and emissions standards. Between 23 May and 18 July 2011, TfL's Taxi and Private Hire office (TPH) consulted on proposed exemptions. Appendix B sets out the age-based limits and emissions standards and the proposed exemptions as consulted on ("the exemptions proposals"). The relevant PHV licensing regulations¹ and the Conditions of Fitness for Taxis² give TfL a general discretion to permit it to exempt vehicles from these requirements if requested by the applicant and if TfL is satisfied that, having regard to exceptional circumstances, it is reasonable to do so. The Transport Commissioner will take a decision about what exemptions should be granted with effect from 1 January 2012 after considering the consultation responses and the contents of this report. The Director of TPH will then issue a TPH notice setting out what exemptions will be granted from that date. This Notice (Notice 09/11) should be referred to for the confirmed exemptions, rather than those considered in this report.

1 The Private Hire Vehicles (London PHV Licences) Regulations 2004, regulation 3.

2 See the proposed change to paragraph A of the Construction and Licensing of Motor Taxis for Use in London Conditions of Fitness

1.3 This report provides information about the age based limits and related emissions standards themselves (Section 2). It sets out how the proposed exemptions to those limits and standards were consulted on (Section 3), the responses received and TPH's consideration of the issues raised. For clarity, the consideration of responses received to the exemptions consultation which concerned the proposed exemptions is in Section 4 below; while matters raised during the exemptions consultation which pertained to the age-based limits and emissions standards are considered in Section 5, with a separate consideration (Section 6) of the equalities impacts. Appendix G sets out the exemptions (with applicable conditions) that are recommended for approval.

2. The MAQS and background to the age-based limits

2.1 The age-based limits and related emissions standards are proposals are set out in Policy 4 of the MAQS which was published by the Mayor of London on 14 December 2010. They state that:

- From 1 January 2012 a 10 year rolling age limit will be introduced for private hire vehicles and a 15 year rolling age limit for taxis unless exempted
- From 1 April 2012, unless exempted, all new, or new to licensing, PHVs must, as a minimum, meet Euro 4 standards for emissions and be no older than 5 years and all new, or new to licensing, taxis must, as a minimum, meet Euro 5 standards for emissions.

2.2 The MAQS is a statutory strategy required by section 362 of the Greater London Authority Act 1999. It has to say how the Mayor will achieve UK and EU legal air quality standards in Greater London. This is particularly significant as regards the levels in Greater London of particulate matter (chiefly PM₁₀) and oxides of nitrogen and nitrogen dioxide (NO/ NO₂) both of which have historically been in breach of UK and EU legal limits. The MAQS must also include measures that TfL will take to achieve the relevant legal limits, which included age limits and related emissions standards for taxis and PHVs.

- 2.3 A study commissioned by the Mayor³ suggested that around 4,300 deaths per year in London are partly caused by long-term exposure to PM_{2.5}, which is widely acknowledged as being the pollutant which has the greatest effect on human health. Research has also shown that people living in deprived areas are disproportionately affected by poor air quality, in part because these areas are often near busy roads, which tend to have higher levels of pollution caused by road traffic. Two of the pollutants that cause most concern within London are particulate matter and oxides of nitrogen, and research from 2008 has shown that taxis were responsible for around 30% of PM₁₀ exhaust emissions and 10% of NO_x emissions. Further information is provided in Section 5 below.
- 2.4 The issue of compliance with EU limit values and the contribution that taxis and PHVs could make in the context of the amount of pollutant emissions from their vehicles formed part of the consultation with the London Assembly and Functional Bodies in 2009 (5 October to 30 November) on the Mayor's proposals for a revised AQS. A draft strategy document ("the Draft MAQS") was put out for the public and stakeholder consultation ((28 March to 13 August) which included proposals for age limits and emissions standards for taxis and PHVs. These proposals differed from the final version of Policy 4 in that the Public Draft proposed that the 15-year age limit for taxis be tightened to 10 years from 2015, and no age limit was specified for PHVs, although it did propose that new PHVs must be Euro 4 from 2012. A report was released by the GLA during the public and stakeholder consultation providing an integrated impact assessment of various likely impacts of the policies and proposals contained in the MAQS, including those proposed in Policy 4 of the Draft MAQS.

3. Consulting on the proposed exemptions

- 3.1 A Supplementary Information consultation document (copy at Appendix A) setting out the exemptions proposals was put on the TPH section of TfL's website on 23 May: www.tfl.gov.uk/tph. Between 23 May and 18 July 2011 (when the consultation ended) 785 users downloaded the consultation document. In the same period there were 1,954 visits and 1,922 visitors to the consultation page (www.tfl.gov.uk/businessandpartners/taxisandprivatehire/8832.aspx).
- 3.2 The consultation document was also emailed to TPH's regular contacts list, with a notification of the start of the consultation and how to respond to it. This list is at Appendix E.

³ Report on estimation of mortality impacts of particulate air pollution in London, BG Miller. Available as 'Health study into the impacts of poor air quality in London' from: www.london.gov.uk/air-quality/links

- 3.3 A TPH notice (Notice 06/11) was also put on the same section of the website, announcing the consultation and signposting to the consultation document and setting out how to respond. In the week preceding the start of the consultation, TfL issued a press notice:
www.tfl.gov.uk/corporate/media/newscentre/archive/20009.aspx
- 3.4 Around the same time, TPH wrote letters to both taxi and PHV owners whose vehicles would not be relicensed because they would not comply with the age limits and emissions standards applicable after 1 January 2012. This letter also notified recipients that there would be a consultation on exemptions to the forthcoming age-based limits and emissions standards.
- 3.5 Posters announcing the introduction of the age-based limits and emissions standards were placed in vehicle inspection centres and could also be downloaded from the website for operators to display in their offices.
- 3.6 Responses could be submitted via TPH's consultation email address (tph.consultation@tfl.gov.uk) or by writing to the Director of Private Hire, TfL, Palestra, 197 Blackfriars Road SE1 8NJ.
- 3.7 TPH set out five questions for respondents in the consultation document, although of course respondents were free to comment on any aspect of the proposals. The questions were:
- Are the proposed exemptions the correct ones?
 - Do you feel any additional exemptions are required?
 - If so, what are these and why?
 - Do you agree with the proposed definition of vehicle age for the purposes of the age-based limits (normally calculated from date of first registration with the DVLA)?
 - Do you agree with the proposed date of 1 January 2012 as the cut-off point for 'grandfather rights' where vehicles have had approved conversions

3.8 The proposed exemptions are intended to be limited in number in order not to adversely affect the overall impact of the new standards, and thereby undermine their objective of improving air quality in London to comply with legal limits and improve people's health. The inclusion of a few, well-defined exemptions where merited is considered mainly an operational matter. As a result the consultation on the proposed exemptions was a relatively small-scale exercise, e.g. compared to the public and stakeholder consultation held for the MAQS, which actually put in place the age-based limits and emissions standards. Nonetheless, officers from TPH met with respondents when requested (detailed at Appendix C), in addition to which, TPH holds regular meetings with representatives from the taxi and PHV trades, which presented an opportunity for the proposed exemptions to be discussed directly.

3.9 Three particular issues relating to the equalities impacts of the age-based limits and emissions standards were raised by respondents:

- That there should be an exemption where an adaptation has been made to a vehicle to meet the needs of a disabled driver
- That the age-based limits have a disproportionate impact on BAME groups
- That the age-based limits have a disproportionate impact on older drivers

3.10 These are examined in further detail in Section 6 below. As already indicated, the age-based limits were not the subject of this consultation, and an Integrated Impact Assessment (IIA) was prepared for the MAQS in 2010. Nevertheless, TPH has undertaken a further review of the potential equalities impacts of the age-based limits (see Appendix F).

4. Consideration of Responses Received to the Consultation on Exemptions

Responses received and issues raised

4.1 Forty-five formal responses were made to the consultation. Late responses were accepted and have been included in this report.

4.2 Officers undertook an analysis of the issues raised, which are summarised in Table 1 below. As already indicated, several responses concerned the introduction of the age-based limits themselves rather than the proposed exemptions (Items 11-14 in the table below. These are considered in Section 5.

Table 1: Issues raised in response to the consultation

	Issue raised
1.	Suggests introduction of an exemption for disabled drivers.
2.	LPG vehicles should be completely exempted due to cost of conversion and are less polluting than (newer) conventionally-fuelled vehicles.
3.	Attempts to register for exemption
4.	Comment that proposed 3-months for licence lapse is insufficient time
5.	Proposes exemption for Blue Badge tourist guides
6.	States that the fitting of certain types of abatement equipment should qualify the vehicle for an exemption (The HJS emissions system, Eco-Power); states that various modifications made to vehicles should qualify them for an exemption.
7.	States that there should be an exemption for vehicles which have been specially adapted for musical instruments and musicians on tour.
8.	States that SNT transport needs a longer/complete exemption as local authority work on contract makes it difficult to recover costs of vehicle replacement.
9.	Requests exemption for Asquith taxis.
10.	Supportive of WAV, SNT exemption; supportive of general approach to age-based standards and exemptions; supportive of criteria used for vehicle age. One opposition to proposed WAV exemption
	Responses received to the consultation on exemptions, which concern the age-based limits and emissions standards put in place by MAQS, including the equalities impacts of these.
11.	Opposes introduction of age-based limits and/or emissions standards as put in place by the MAQS. Respondents stated that the cost of vehicle replacement would be difficult and, in some case, make working unviable. Representations made here from both smaller PHV operators providing regular services and from drivers operating chauffeur-type services in limousine-style PHVs. Representations were also made by some older drivers who work part-time to supplement a pension.
12.	Asks about financial help for vehicle replacement
13.	Suggest different criteria for applying age-based limits – eg an emissions test on each vehicle, states that if a vehicle meets Euro 5, then no age-limit should apply; applying criteria to engine age rather than vehicle age
14.	States that the introduction of age limits for PHVs has a disproportionate impact on BAME groups

- 4.3 Before considering these issues in more detail, it is worth noting that there were five proposed exemptions: for alternatively-fuelled vehicles; historic and niche vehicles; Wheelchair-accessible vehicles (WAVs); Specialist Needs Transport (SNT); and vehicles covered by requirements of the London Low Emission Zone (LEZ). These are set out in full in Appendix D.
- 4.4 The proposed exemptions – with one exception – all took the form of additional time to comply with the age limits i.e. a period is added to the limit extending the maximum age limit e.g. by 5 years to 20 years. Only historic and niche vehicles were proposed for a complete exemption from any age limit (i.e. the vehicle could be licensed indefinitely, irrespective of age). Therefore the term “exemption” is used here to cover both meanings: an additional period of time added to the normal maximum age limit, or a complete and indefinite exemption from that limit.
- 4.5 Very few of the responses referred to the consultation questions. In general, responses concentrated on requests for additional exemptions and comments on the age-based limits, and these are detailed below. The question on the proposed approach to calculating vehicle age being as from the date of first registration with the DVLA was, when there was a comment, endorsed.

Consideration of issues raised and recommendations

Suggests introduction of an exemption for disabled drivers

- 4.6 One respondent stated that there should be an exemption for taxi or PHV drivers whose disability means that they need to make adaptations to their vehicle or drive a certain model of vehicle.

Recommendation

- 4.7 The exemptions as proposed included an additional 5 years' compliance period for PHVs⁴ which are also Wheelchair Accessible Vehicles (WAVs). This was proposed in recognition of the costs involved in either purchasing a specially-constructed vehicle or paying for a conversion; but is not an indefinite exemption because it is important to maintain the amenity of the fleet overall. Although this exemption was primarily concerned with disabled passengers, it is reasonable to extend it to disabled drivers of PHVs and taxis where substantial adaptations have been made or are proposed to the vehicle in order to accommodate the particular requirements of the driver's disabilities or a particular type of vehicle (un-adapted) is so required. TPH already approves a relatively small number of adaptations for disabled drivers for licensing purposes on a case-by-case basis each year. To do so would reflect TPH's duties to make reasonable adaptations for people with disabilities under the Equality Act 2010.
- 4.8 It is recommended that an exemption in the form of an additional 5-year period to the maximum age limit should normally be granted to PHVs and taxis where:
- substantial adaptations have been made or are proposed to the vehicle in order to accommodate the particular requirements of the driver's disabilities; or a particular type of vehicle is so required (albeit un-adapted); and
 - the extension is personal to the particular disabled driver, so that he or she must be the sole driver of the PHV in question (the exemption lapses if the vehicle is driven by anyone else)
- 4.9 The applicant must submit an appropriate assessment of their medical or disability need to drive that type of vehicle or with those particular adaptations. This would normally take the form of a Motability Assessment plus any supporting medical evidence that is available.
- 4.10 Given that circumstances in which this particular exemption arises will be personal to individual drivers, as will any vehicles or adaptations put forward for the exemption, it is proposed that TPH grants any such exemption on a case-by-case basis as part of the annual licensing or renewal process for vehicles under its general discretion to exempt vehicles from licensing requirements (see above).

Indefinite exemption for LPG-converted taxis

⁴ Exemption only applies to PHVs: all licensed taxis have a wheelchair ramp fitted and many also have other accessibility features

- 4.11 One of the proposed exemptions applied to taxis and PHVs which use alternative fuels, one of which is LPG. The proposed exemption would apply differently to taxis and PHVs (see Appendix C). Comments were received with regard to the exemption proposed for taxis.
- 4.12 Some responses stated that there should be an indefinite exemption for LPG taxis rather than the 5-year additional period proposed in the consultation. Respondents cited the cost of conversion and the relatively lower emissions of LPG-fuelled taxis compared to conventional fuels. A couple of respondents also stated that TPH (then PCO) had said in 2003 that there would be an LPG exemption; and that this had been further reiterated during the development of MAQS.
- 4.13 As set out above, 'exemption' has been used as general term covering both an additional stated period of time for compliance or a complete and indefinite exemption or derogation from the age-limit. The meaning of exemption in particular cases was set out in the Supplementary Information consultation document of May 2011.
- 4.14 One of the proposed exemptions applied to taxis and PHVs which use alternative fuels, one of which is LPG. The proposed exemption would apply differently to taxis and PHVs (see Appendix C). Comments were received with regard to the exemption proposed for taxis.

- 4.15 Some responses stated that there should be an indefinite exemption for LPG taxis rather than the 5-year additional period proposed in the consultation. Respondents cited the cost of conversion and the relatively lower emissions of LPG-fuelled taxis compared to conventional fuels. A couple of respondents also stated that TPH (then PCO) had said in 2003 that there would be an LPG exemption; and that this had been further reiterated during the development of MAQS.
- 4.16 As set out above, 'exemption' has been used as general term covering both an additional stated period of time for compliance or a complete and indefinite exemption or derogation from the age-limit. The meaning of exemption in particular cases was set out in the Supplementary Information consultation document of May 2011.
- 4.17 Previously, TPH has approved individual LPG systems for use in specific taxi models; each approval could then be fitted into any number of taxis in the model range to which the specific approval applied. This will, in principle, continue, but LPG systems⁵ will need to show that they meet the required emissions standard (Euro 5), and that they have been fitted by a UKLPG-approved installer in order to qualify for the additional compliance time where it is available. It was proposed that from 1 April 2012, all alternatively-fuelled taxis will need to meet the Euro 5 standard in order to be licensed. Additionally, the 15 year maximum age-based limit for taxis will apply from 1 January 2012, with additional time extensions for certain taxis on the basis of those recommended in this report. No exemption was proposed for PHVs after 1 January 2012 (no representations were received with regard to alternatively-fuelled PHVs).

Recommendation

- 4.18 The proposed exemption sought to recognise the costs involved in the LPG conversion of taxis and the relative benefits in terms of reduced air pollutant emissions, while also introducing a criteria for all vehicles' emissions which is based on a recognised and widely-tested standard (Euro Standard).

⁵ LPG fuel systems fitted to vehicles as an aftermarket product are tested for exhaust emissions using a similar test procedure as that used for emissions testing of other exhaust emissions systems. The most common test standard is to European legislative emissions standards (Euro standards) using the New European Drive Cycle (NEDC). Legislative emissions testing is carried out in the UK by UK Vehicle Certification Agency (VCA) approved and certified emissions testing laboratories, such as Millbrook Proving Ground.

4.19 It is considered reasonable that taxis which have been converted to LPG and approved and licensed prior to the introduction of the age-based limits should be granted a further extension to the age based limit, in recognition of the costs involved and the relative air quality benefits of an LPG conversion compared to conventional fuels, and that this exemption should be available beyond 2012. However it is not considered appropriate that this should be indefinite; it is important that the overall amenity of the fleet is maintained by the age-limits and that emissions levels keep pace with new Euro Standards and technologies as they are introduced. Therefore it is recommended that the exemption for taxis and PHVs is modified as follows: an additional 5 years compliance time on the rolling age-based limit is available from 1 January 2012; vehicles must meet Euro 5 standard for LPG⁶ from this date in order to qualify for this exemption, and conversions must be from diesel engines. For taxis, the conversion must be in place by the inspection date in their 15th year of age; for PHVs it must be in place for their inspection date in their 10th year of age. All conversions must be approved by TPH: in the case of taxis there will be via the approval process and for PHVs it will be on a case-by-case basis. This further exemption is given in recognition of the costs involved in LPG conversion and its relative emissions benefits compared to diesel engines, as set out in some of the responses. The further exemption will also apply to CNG and biomethane taxis and PHVs.

4.20 The proposed exemption for taxis and PHVs licensed before 1 January 2012 would remain as set out in the consultation.

Attempts to register for an exemption

4.21 A few respondents requested an exemption within their response. At that time, no process was in place for applying for exemptions and these 'applications' will not be processed. Once TPH has confirmed the exemptions to be applied, TPH will prepare guidance (including, for example, an application form) on how to apply for the exemptions. These will be available from the TfL website and on request to TPH. Owners and drivers seeking to apply an exemption will be required to complete and return the appropriate form in advance of their annual inspection. As part of this application there will be a requirement to submit suitable evidence.

⁶ Euro 5 standards for taxis were set out in the Supplementary Information to the Exemptions Consultation. Euro 5 standards for PHVs (M1 vehicles, LPG) are as follows:

	CO	HC	HC+NOx	NOx	PM
Petrol Engine	1.0	0.10	-	0.06	0.005

Confirmation (or otherwise) of a vehicle's eligibility for the exemption applied for will be made by TPH and will also be subject to the requirements of the existing (re) licensing process at annual inspection.

Proposed 3-month licence lapse time is insufficient

4.22 The consultation document suggested that where an operator did not apply for re-licensing at the anniversary of the vehicle's licensing, a maximum of 3 months lapse would be permitted (the date of licensing is a determinant of age-limits, emissions standards and exemptions). The respondent indicated that, for example, certain medical conditions carried a compulsory 12-month disqualification from driving.

Recommendation

4.23 It is recommended that a maximum 24-month lapse in licensing be allowed i.e. the period between licence and renewal. The principal determinant for the age-based standards (and any exemptions) will be the age of the vehicle at time of first licensing in London. The age of the vehicle will be calculated from the date on which the vehicle was first registered with the DVLA under the Vehicle and Excise Registration Act 1994. It is not considered desirable to allow for a longer or indefinite lapse as this may serve to undermine the purpose of the policy by creating an additional market for second-hand taxis and PHVs in London. It also always remains possible for longer lapses to be granted by TPH in exceptional circumstances using its general discretion to grant exemptions from licensing requirements.

Blue Badge tourist guides

4.24 Two respondents stated that Blue Badge tourist guides – who usually license their vehicles as PHVs – should be considered for an exemption to the age-based limits. One respondent stated that although many of these vehicles are licensed in London, much of the work is done outside the Capital. Vehicles may have low mileage and vehicle replacement in line with the age-based limits would be expensive.

Recommendation

4.25 While tourist guides (Blue Badge or not) may be undertaking a specialist activity, this activity does not require a specialised vehicle. Like other PHV drivers, tourist guides have a wide range of vehicles to choose from. For this reason it is not considered appropriate to offer any kind of exemption to this group.

Abatement equipment and other modifications

4.26 Two respondents associated with the manufacture of emissions abatement systems stated that where this equipment had been fitted, taxis should not be subject to the age-based limits and/or be given an exemption to these limits. Respondents noted that this type of equipment had been approved for use in taxis previously. It was also noted that the London Low Emission Zone (LEZ) (which applies to heavier diesel vehicles⁷) requires only that Euro standards for PM are met. In addition a couple of respondents stated that because they had done various modifications to their vehicle, its emissions would be lower and it should be exempted.

Recommendation

4.27 No change to policy or the proposed exemptions is recommended.

4.28 The consultation document stated that any abatement equipment system (or other modifications) presented to TPH would be considered on a case by case basis for exemption, but that any technology proposed would need to demonstrate that it enabled otherwise non-compliant vehicles to meet Euro 4 for PHVs or Euro 5 for taxis in respect of emissions standards for both NO_x and PM. TfL does not consider that the cost of manufacturing this equipment should be a determining factor here: it is also possible that it will become cheaper to produce this equipment due to increased demand or technological innovation.

4.29 With regard to the need for vehicles affected by the LEZ to meet relevant Euro standards only for PM, it should be noted that, when the LEZ was developed several years ago⁸, there was concern about the certification and testing of NO_x abatement equipment to the types of vehicle affected by LEZ, although this equipment had been fitted successfully to some buses and to taxis. The objective of the LEZ was clarified as being for the reduction of PM rather than to meet the NO₂ objective. That said, while the LEZ does not include an explicit standard for either NO_x or NO₂ emissions, it leads to reduced emissions of NO_x (and concentrations of NO₂) through encouraging the uptake of newer vehicles that emit less of this pollutant.

⁷ See www.tfl.gov.uk/lez

⁸ The revisions to the Mayor's Transport and Air Quality Strategies which allowed for a LEZ were put in place in 2006, following public and stakeholder consultation. There was then further consultation on a LEZ Scheme Order, which was confirmed in 2007. Subsequent to this, a new Mayor was elected (2008) and a new Transport Strategy and Air Quality Strategy put in place (May and December 2010, respectively)

4.30 At the time TfL said that it would continue to work with manufacturers and the Government on developing abatement equipment that could meet NO_x standards. Subsequently, in the MAQS put in place in December 2010, the Mayor committed to the introduction of an emissions standard for NO_x in 2015 into the LEZ. This commitment is subject to Government support in establishing a suitable certification and testing regime, and subject to Government funding (Policy 5 of MAQS).

4.31 The 2010 MAQS aims to reduce air pollutant emissions of both PM and NO_x. As indicated above, the policy on air pollutants which is applied to vehicles in London (via the LEZ or by taxi age limits and emissions standards, or the Congestion Charge, for example) needs to reflect and incentivise developing technology and the requirements to meet EU objectives and the Mayor's duty to improve the health of Londoners.

Exemption for PHVs which have been adapted for music touring

4.32 One respondent stated that the sole purpose of its business was to carry musicians and musical instruments, and that its vehicles had been specially converted for this purpose. It would not, then, be cost-effective to replace vehicles in line with the age-limits and an exemption was requested.

Recommendation

4.33 The number of vehicles which are specially converted for this sort of use will be quite small. It is recognised that this type of activity requires vehicle adaptations which are often costly. Although no change to policy is recommended, there remains the capability for 5 years' additional compliance time to be granted on a case-by-case basis in circumstances such as these using TPH's general discretion to exempt vehicles from licensing requirements.

Indefinite exemption for certain SNT transport

4.34 Two operators of vehicle fleets which have been adapted as SNT transport stated that, since they were committed to long-term contracted local authority work, they would not be able to recoup the costs of vehicle replacement entailed by the age-based limits. Further additional compliance time or an indefinite exemption was requested.

Recommendation

4.35 The proposals already include an exemption for SNT transport in the form of an additional 5 years; this is in recognition of the cost of adaptation and the need to encourage operators to provide an important social service. However, since it is also important to maintain the overall quality and amenity of vehicles used for this purpose, the exemption was not proposed as indefinite. TfL still considers that this is an appropriate balance: it is not desirable for certain groups of passengers to only have older vehicles at their service, in addition to the need to improve emissions from PHVs and taxis in order to meet the objectives of MAQS.

4.36 How changes in legislative requirements are dealt with, and who bears the resulting cost is a matter for the parties to the individual contract to negotiate and agree between themselves. No change to policy or the proposed exemptions is recommended.

Asquith taxis

4.37 The owner of one of the two Asquith taxis currently licensed in London requested an exemption from the age-based limits due to the specialised nature of the vehicle.

Recommendation

4.38 Due to the very small number and the specialist nature of Asquith taxis, it is recommended that those which have been licensed before 1 January 2012 should fall into the category of classic/niche vehicles, which are proposed to have an indefinite exemption from the age-based limits.

Supportive of WAV & SNT exemption; opposition to WAV exemption

4.39 Where it was commented on, most respondents supported the proposed exemptions, although frequently requests were made for additional exemptions or longer exemptions. There was one opposition to the WAV exemption for PHVs.

Recommendation

4.40 No change to policy or the proposed exemptions is recommended.

5. Responses to the consultation on exemptions which concerned the age-based limits and emissions standards put in place by MAQS

5.1 This consultation was about the proposed exemptions to the age-based limits and emissions standards contained in the MAQS; it was not on the limits and standards themselves. Although the point was made clear in the consultation document released for the consultation, a number of respondents expressed views about the merits of the limits and standards introduced by the MAQS. These are reported below. In order to provide sufficient context to the response, the section includes background information on the development of MAQS and the age-based limits and emissions standards. Some of these responses also concerned the equalities impacts of the age-based limits and emissions standards, and this aspect is considered in Section 6 and in Appendix F.

Issues raised regarding the MAQS and the introduction of age-based limits and emissions standards

Opposition to age-based limits and cost impacts of these

5.2 Representations were made which stated that the respondent opposed the introduction of age-based limits and/or emissions standards as set out in MAQS Policy 4. The cost of vehicle replacement entailed by these was often raised.

The development of the MAQS and the age-based limits

5.3 It should be remembered out that the limits and standards contained in the MAQS had already been subject to public and stakeholder consultation as part of that strategy's revision process. In addition, TPH engaged with the Taxi and PHV trade organisations on the issue. Appendix C provides details of a number of workshops and meetings TPH held with representatives from the taxi and PHV trades in London when the proposals in the MAQS were being developed.

5.4 The Integrated Impact Assessment ("the Draft MAQS IIA") released during the public and stakeholder consultation on the Draft MAQS included a consideration of the environmental, equalities and other impacts, was prepared and made available during the consultation. A Post-Adoption Statement (PAS) was also published after confirmation of the MAQS. These publications, along with the Strategy, the IIA and the PAS, a report to the Mayor on the consultation responses received, and other relevant documents, can be downloaded from: www.london.gov.uk/air-quality/links

- 5.5 The Mayor confirmed the MAQS in December 2010 following extensive consultation, which included consultation with the taxi and PHV trades (see Appendix A and Section 2). The age-based limits and emissions standards are due to come into force from 1 January 2012. As indicated, the limits and standards themselves were not the subject of this consultation which was about proposed exemptions to them. However a number of responses to the consultation opposed their introduction. TfL is under a statutory duty to have regard to the MAQS when exercising its licensing and other functions and so must consider these representations.
- 5.6 The first issue to consider is whether the consultation on the proposed exemptions has raised any issues or relevant considerations to warrant TfL from departing from its intention to introduce the age based limits and emissions standards set out in the MAQS from 1 January 2012 as planned.
- 5.7 The rationale for introducing the age based limits and emissions standards is set out in the MAQS itself but is reiterated below to give context to the consideration of this category of response and officers' recommendations.

The introduction of age-based limits and emissions standards

- 5.8 The age limits for taxis and PHVs have been designed to achieve maximum benefit for London in reductions of air quality pollutants, particularly oxides of nitrogen (NO_x) and particulate matter (PM). Taxis are responsible for 30 per cent of transport PM₁₀ exhaust emissions in central London⁹.
- 5.9 Poor air quality can cause serious health problems and reduces the quality of life experienced by everyone. Its impacts are most severely felt by vulnerable people such as children, older people and those with existing heart and lung conditions. In addition, people living in areas near major roads-which are often some of the most deprived parts of London- are exposed to particularly high levels of pollution.

⁹ MAQS, para 3.9.3 Data is from 2008

- 5.10 The European Union has issued an air quality Directive (2008/50/EC), that sets standards for a variety of pollutants that are considered harmful to human health and the environment. These include limit values, which are legally binding and must not be exceeded, for seven local pollutants, including PM and NO₂. London has been historically in breach of PM₁₀ limit values, although compliance is expected this year (2011), partly on the basis of the measures set out in the MAQS concerning taxis and PHVs; however, London remains in breach of limit values for NO₂.
- 5.11 In developing these particular measures the Mayor took into account the average age of vehicles in the fleet and the types of vehicle available. These profiles have been considered as they apply to taxis and to PHVs and, for this reason, different standards have been applied for each sector.

The age limits and emissions standards as they apply to taxis and PHVs

Taxis

- 5.12 The dedicated London taxi vehicle (black cab) is a specialist vehicle designed to carry out multiple short and long stage journeys, providing good access, particularly for the disabled, and a large passenger and luggage capacity. The vehicles are designed for a long service life, and represent a substantial initial investment for the taxi operator (a brand new taxi costs around £30,000¹⁰) and must be used intensively to achieve a reasonable return on investment. It is intended for operation in urban environments and constructed to operate for many years.
- 5.13 The figure of 15 years is not an arbitrary one chosen by TfL. Initially it was proposed (in the draft MAQS) that from 2012 all new taxis would have to meet the Euro 4 emissions standard and that no taxi over 15 years old would be licensed, with this age limit tightening to 10 years from 2015. These proposals were chosen because it was believed that they would be achievable, enable the same level of taxi service to be maintained and at the same time contribute to improving air quality in London.
- 5.14 A series of meetings was held with taxi trade representatives to discuss the initial proposals and whether the age limits and new Euro standard requirements could be met without disproportionately affecting the taxi trade and eventually the taxi trade representatives agreed to support a number of revised initiatives. A 15 year age limit was included in the MAQS as being appropriate for these vehicles particularly given their long operating-life and the need to recoup the original purchase costs plus maintenance costs over their lifetime.

¹⁰ On the road price (LTC website). Source: TfL, July 2011

PHVs

- 5.15 Private Hire Vehicles (PHVs) may be of a wide range of designs, rather than the singular design of the taxi, although it is most frequently of the family saloon or MPV type. These vehicles are not specialised in design, being showroom models from numerous different manufacturers. Apart from certain prestige brands, they will generally represent a smaller initial investment than a taxi. Given the diversity of PHVs, it is not possible to provide a single price for a brand new vehicle, as it is for taxis. However, the Ford Galaxy is a very popular choice, and costs around £25,000 to buy brand new (a Toyota Prius costs about £21,000, and, in the limousine class, a Mercedes S class around £60,000)¹¹. Of course, PHVs (and taxis) can be bought more cheaply second-hand, and operators purchasing several vehicles for a fleet may have the opportunity to negotiate discounts.
- 5.16 In addition PHVs are generally operated in a different way to taxis. Being pre-booked, they will undertake longer journeys in general, possibly outside urban areas for some of the time. They are likely to cover higher annual mileages. The combination of smaller initial investment, high annual mileage and less specialised construction make a 10 year upper age limit appropriate for these vehicles.
- 5.17 TPH has modelled the impact of age-based limits on the taxi and PHV fleets, using May 2009 data on the age profile of vehicles licensed in London. For taxis, the introduction of a 15-year age-limit in January 2012 is projected to mean a further 5% of vehicles need to be replaced (around 1, 200 vehicles), additional to the natural churn which is 6% of vehicles (a total of 11% of vehicles replaced).
- 5.18 For PHVs, it is projected that the introduction of an age-based limit (5 years at first licensing, then 10 year rolling-age limit) in January 2012 would mean a total replacement rate of 9% of vehicles (around 4,300 vehicles). Data is not available on the natural churn rate of PHVs, so it is not possible to isolate the effects of the age-based limits. This data indicates that the average age of taxis is around 7 years; for PHVs the figure is around 5 and a half years. Therefore it would be expected that most PHVs and taxis are replaced before they reach the age limits set out in the MAQS.

¹¹ On the road prices. Source: TfL, July 2011

The impacts on different types of PHV operators

- 5.19 Respondents to the Consultation who were concerned about the impacts on PHVs made reference to the impacts on both the limousine, 'chauffeur' type operators as well as on the "non-prestige", local minicab services which offer cheaper rates. It was stated that local communities would not be able to afford the higher fares which resulted due to minicab operators needing to replace their vehicles, and that in this way an important local service would be lost.
- 5.20 Unlike taxis, PHVs are free to set their own fares and it would be expected that these would be set to reflect the level of service (reflecting vehicle type) on offer. It is conceded that increasing their fares may not be an option so readily available to some operators who provide local "non-prestige" minicab services and whose vehicles used will not meet the age-based limits and emissions standards as applying from 2012. As outlined in the sections above, the vast majority of PHVs will meet the standards in January 2012. Where vehicles do need to be replaced, there is a wide choice of vehicles and a correspondingly wide price range, including a considerable second-hand vehicle market).
- 5.21 Limousine-style vehicles, as indicated above, have higher purchase costs. It is the choice of the operator to work in this type of service and this type of service can command higher fares. In this way the operator could reasonably be expected to recoup some of the costs associated with vehicle replacement.
- 5.22 It is important that the emissions level of the overall fleet is improved in order to meet the Mayor's air quality objectives: improving people's health and improving air quality in London in order to comply with EU limit values. These objectives apply equally to limousine-style services as to those which offer cheaper fares, and indeed the wide range of PHV services in between the two. Private Hire Vehicles are a valuable part of public transport provision in London and it is important to ensure a good level of amenity and vehicle quality for passengers. Ensuring that the fleet is of a reasonable age also serves this purpose.

Summary

- 5.23 The age-based limits and emissions standards in the MAQS have been developed with an awareness of the impacts on the taxi and PHV trades as well as a commitment to meet the main objective of the MAQS, which is to improve air quality in London such that it meets and exceeds EU and UK legal requirements. As indicated earlier in this report, there was extensive consultation on the Draft MAQS, including with representatives from the taxi and PHV trades, regarding the introduction of those limits and standards as set out in MAQS Policy 4. It is TfL's intention to introduce these measures from 1 January 2012.
- 5.24 TfL is under a statutory duty to have regard to the policies and proposals contained in the MAQS when exercising its functions, including as the licensing authority for taxis and PHVs in London¹². Given that 10 representations in the current consultation have been received opposing the introduction of those measures at all, it is necessary for TfL to consider whether anything has been raised in the consultation responses that would warrant TfL re-visiting its decision to implement the measures as planned.

Recommendation

- 5.25 Balancing TfL's duty to have regard to the age based limits and related emissions to be implemented from 1 January 2012 as standards contained in the MAQS that duty, and their overall objective of improving air quality to achieve or exceed the relevant legal limits, with the comments reported above concerning the merits of those measures (notwithstanding that this consultation actually concerned proposed exemptions to them) officers recommend to the Commissioner that TfL proceeds to implement them from 1 January 2012 as planned, subject to the exemptions recommended in this report.

Financial help with the cost of vehicle replacement

- 5.26 Several respondents stated that the cost of vehicle replacement entailed by the introduction of the age-based limits would have a negative effect on them and in some instances make their job or business unviable. Among these respondents was a group of taxi drivers who stated that they work part-time to supplement a pension; other such respondents were PHV drivers and operators.

¹² Section 373 of the GLA Act 1999.

5.27 As set out above, the age-based limits and emissions standards have been developed with regard to the differing costs of vehicle purchase for PHVs and taxis and the average age and expected churn of the vehicles in these fleets. This has been balanced with the need to reduce air pollutant emissions from taxis and PHVs in order to improve air quality in London, which is the main objective of MAQS and the age-based limits. As also set out earlier, the age-based limits have been developed in consultation with representatives from the taxi and PHV trades.

5.28 MAQS Policy 2 calls upon the Government to extend scrappage schemes and introduce a grant scheme for fitting pollution abatement equipment. However there is no provision in TfL's current Business Plan to provide financial assistance to drivers or operators with financial help toward the cost of vehicle replacement.¹³

5.29 TPH has and will continue to work with the taxi and PH trade and vehicle manufacturers to provide financial support and incentives to those impacted by the age limits. For example, in late summer 2011, TPH wrote to all taxi drivers impacted by the age limits with details of a £3,000 discount being offered to drivers purchasing new taxis from the London Taxi company and are in the process of informing all private hire drivers impacted by the age limits of details of a company that has attractive vehicle leasing offers enabling drivers to lease new vehicles from as little as £65 per week.

5.30 TfL is also currently working on a proposed sponsorship arrangement that will provide drivers with taxis over 10 years old financial assistance in purchasing Euro 5 compliant taxis. It is hoped that details of the scheme will be announced in October.

Recommendation

5.31 No change to policy, but TPH will continue to explore opportunities for incentives and cost mitigations for drivers and owners affected by the age limits, in addition to working on the low emission taxi with manufacturers, as set out above.

Different criteria for emissions standards: individual vehicle emissions tests; no age-based limits; engine rather than vehicle age

¹³ Any financial assistance given would have to comply with State Aid rules.

- 5.32 Some respondents stated that the age-based limits and the emissions standards for taxis and PHVs put in place by MAQS were too inflexible and would fail to recognise the range of emissions levels of vehicles. It was suggested instead that a test could be done on each vehicle as and when it was submitted for licensing or renewal, for example.
- 5.33 While it will be true that emissions will vary between vehicles (and will depend on many factors, including speed of travel, level of maintenance and so on), it is not practicable or cost-effective to introduce this type of individual testing for the number of vehicles (over 50,000 PHVs and some 22,000 taxis) affected.
- 5.34 It is much less bureaucratic to use a recognised and verifiable standard which is already in place– the Euro standard –alongside a simple and robust measure of the vehicle’s age (i.e. date of first licensing with the DVLA). Ensuring that the fleet, overall, comprises newer vehicles will help to ensure that there is a good level of amenity for drivers and passengers: for this reason, it is important to have both the age limit and the emissions standard.
- 5.35 In general, TPH advises against fitting an old engine or second hand emissions system into a replacement or newer vehicle. It should be remembered that the emissions standards will apply in addition to the existing conditions for licensing the vehicle. Drivers considering this type of ‘conversion’ are strongly advised to check with TPH before making any outlay, as it is most unlikely that this would be acceptable.

Recommendation

- 5.36 No change to policy.

6. Responses to the consultation on exemptions which concern the equalities impacts of the age-based limits and emissions standards put in place by MAQS

- 6.1 Responses to the Consultation on the proposed exemptions included three issues regarding the equalities impacts of the age-based limits and emissions standards. These concerned a possible disproportionate impact on the following groups:
- PHV Drivers of BAME (black, Asian and minority ethnic) origin
 - Disabled drivers
 - Older drivers

6.2 In exercising its functions, including the licensing of taxis and PHVs, TfL is subject to a number of duties under equalities legislation: Under section 404 of the GLA Act TfL must have regard to the need to promote equality of opportunity for all persons irrespective of their race, sex, disability, age, sexual orientation or religion; to eliminate unlawful discrimination; and to promote good relations between persons of different racial groups, religious beliefs and sexual orientation.¹⁴ TfL is subject to the public sector equality duty under section 149 of the Equality Act 2010 (“the Equality Act”). The Act concerns (among other things) “relevant protected characteristics” and “protected groups” which cover: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. The Mayor and TfL must, in the exercise of their functions, have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act, advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not. Having “due regard to advancing equality” involves removing or minimising disadvantages suffered by people due to their protected characteristics, taking steps to meet the needs of people from protected groups where these are different from the needs of other people, and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. Meeting different needs involves taking steps to take account of disabled people’s disabilities and compliance with the duty may involve treating some people more favourably than others. The courts¹⁵ have emphasised that “*due regard*” requires an analysis of the relevant material with the specific statutory considerations in mind, does not require that the considerations raised in the analysis are decisive in the particular case and, finally, that the weight to be given to the requirement that “*due regard*” is to be had is for the decision maker to decide.

6.3 In order to comply with TfL’s equalities duties TPH undertook a further review of the equalities impacts of the age-based limits and emissions standards for the purposes of this consultation. This Equalities Impacts Review is enclosed at Appendix F and the Commissioner is asked to give it particular attention contains an adequate analysis of the material to which the Commissioner must pay “*due regard*” in relation to the public sector equalities duty when making his decision.

¹⁴ Section 404, GLA Act 1999.

¹⁵ *Harris v London Borough of Haringey* [2010] EWCA Civ 703

Findings of the Equalities Impacts Review

6.4 The review undertaken by TfL concentrates on the impact of the introduction of the age-based limits, which have greater potential impact on different equalities groups, rather than the proposed exemptions to those limits, which because of their nature will generally be favourable. It should be noted from the review that:

- Sixty-seven per cent of PHV drivers in London are from BAME groups. The development of the age-based limits and emissions standards for PHVs, and why these differ from those for taxis is set out in Section 5 above. Possible mitigations of the impact on this group could include an indefinite exemption for BAME vehicle owners/ operators, additional compliance time or financial help with the costs of vehicle replacement. Given the relatively large number of drivers and vehicles affected, providing a new exemption to this group could undermine the overall effect of MAQS in improving air quality in London. While providing financial assistance would address this aspect, there is no money budgeted for this purpose in TfL's Business Plan, and any such scheme would require considerable bureaucracy in order to ensure funds were allocated properly. No change to policy is therefore recommended.
- The number of disabled drivers who require an adaptation to their vehicle is likely to be small, this, and the requirement to satisfy TPH of the need for such an adaptation is likely to limit the number of exemptions granted on this basis. Therefore the impact of any such exemption on the overall aims of the age-based limits and emissions standards set out in the MAQS. While it is not appropriate to grant an indefinite exemption from these limits, additional compliance time of 5 years is recommended where a substantial adaptation has been made to the vehicle (see paragraphs 4.7 to 4.10 above).
- With regard to older drivers, just over a quarter of taxi drivers in London are over 60 years of age, meaning that any exemption (complete or partial) would affect a large number of vehicles and could therefore undermine the overall aims of the age-based limits and emissions standards. As in the consideration of the impact on BAME groups, while financial assistance could be a possible mitigation, this would be onerous to administer. No change to policy is therefore recommended.

7. Next steps

7.1 TPH would like to thank everyone who took part in this consultation.

Deciding on the exemptions to be adopted

7.2 The Commissioner is asked to decide which of the proposed exemptions should be approved as a matter of policy, setting out the circumstances where TfL, as the Licensing Authority, will exercise its general discretion to grant exemptions to vehicles from the age based limits and emissions standards.

7.3 The Commissioner may also consider that it would be appropriate to approve additional exemptions that have been put forward in the responses; his decision will be informed by this report and copies of all the responses have been made available to him.

7.4 The approved exemptions to the taxi and PHV age based limits will apply will be communicated in a TPH Notice, which will be placed on TfL's website and circulated to contacts.

Appendix A (Supplementary Information published at start of Consultation) – see separate document

Appendix B: List of respondents to the consultation on exemptions (as at 14 September 2011)

Names are given in approximate order of receipt of response

	Name	Organisation or Company (where applicable)
1	Keith Parkinson	Star Bus Company Ltd
2	VD Ripo	
3	Andrew Portou	
4	Simon Connolly	
5	Stanley Roth	Gas Taxi
6	Gerald Silverstein	
7	Ken Haslam	
8	Robert Morley	
9	M Taylor	
10	Brian Young	
11	Buzatu Bogdan	
12	Iqbal Hussain	
13	Martin Law	Beckett Corporation Ltd
14	Bernard Luckhurst	
15	David Little	
16	CR Giffin	
17	Yvonne Dell	London Cars Holding Ltd
18	Abdul Quyyum	
19	Dinesh Manini	Access Mobility Transport Ltd
20	Thomas Rook	Chair of the city of Salford Private Hire Association
21	Keith Dunn	
22	Martin Cullip	Supreme Freedom to Travel Ltd
23	Glyn Harris	
24	Mick & Gillian Tresnan	Crossbow
25	Robina Brown	Driver Guide Tours
26	Abdi Musse	Association of Somali London Minicab Drivers (ASLMD)
27	Andrew Wallace	
28	Gerd van Aaken	HSJ abatement equipment
29	Alan Fleming	Taxi Drivers & Owners Legal Protection
30	Ian Murray	The Driver-Guides Association
31	Carl Parkinson	Star Cars Ltd & Star Bus

	Name	Organisation or Company (where applicable)
		Company Ltd
32	Brian Mehlman	(+ further 21 signatories)
33	Jason Kinsella	Hexagon Taxi (Stepney) Limited
34	Steve Wright MBE	Licensed Private Hire Car Association (LPHCA)
35	Michael Mccaffrey	
36	Kamran	
37	Muhammed Umar	(+further 4 signatories)
38	David Allen	
39	Stan Marut	RMT
40	Steve McNamara	LTDA and other taxi bodies joint response
41	Eddie Townsen	Private Hire Board (PHB)
42	Steve Sanders	
43	David Davies	Eco-Power
44	David Jackson	
45	Katja	

Appendix C: Meetings with taxi and PHV trade

Meetings with taxi and PHV trade on MAQS (including age-based limits and emissions standards); record of notices issued

Taxi trade meetings (MAQS)

Date	Meeting and attendees
10/11/09	TPH workshop with taxi trade representatives on MAQS <ul style="list-style-type: none">• Ivan Kovler, LMCPA• David Day, LMCPA• Steve McNamara, LTDA• Mike Hedges, Unite the Union• Grant Davis, LCDC• Peter da Costa, KPM Taxis• John Russell, LTI• John Mason, TfL T&PH• Sam Kennedy, TfL CCTE Strategy• Finn Coyle, TfL Surface Operations• Alex Moffat, TfL T&PH• Luke Howard, TfL T&PH
08/12/09	TPH workshop with taxi trade representatives on MAQS <ul style="list-style-type: none">• Eddie Crossley, Chris Hearnden (LMCPA)• Steve McNamara (LTDA)• Mike Hedges (Unite the Union)• Martin Livermore, Prof Tony Dayan (LTDA advisors)• Charles Buckingham, Sam Kennedy, Luke Howard (TfL).
22/01/10	TPH workshop with taxi trade representatives on MAQS <ul style="list-style-type: none">• Ivan Kovler, LMCPA• Eddie Crossley, LMCPA• Steve McNamara, LTDA• Mike Hedges, Unite the Union• Grant Davis, LCDC• Brian Rice (Dial-a-Cab)• Phil Kirby (ComputerCab)• Peter da Costa, KPM Taxis• John Russell, LTI• John Mason, TfL T&PH• Sam Kennedy, TfL CCTE Strategy• Finn Coyle, TfL Surface Operations• Alex Moffat, TfL T&PH• Luke Howard, TfL T&PH

Date	Meeting and attendees
10/02/10	TPH workshop with taxi trade representatives on MAQS <ul style="list-style-type: none"> • Ivan Kovler, LMCPA • Eddie Crossley, LMCPA • Steve McNamara, LTDA • Mike Hedges, Unite the Union • Grant Davis, LCDC • Brian Rice, Dial-a-Cab • Malcolm Paice, ComputerCab • Peter da Costa, KPM Taxis • John Russell, LTI • Helen Chapman, TfL T&PH • Sam Kennedy, TfL CCTE Strategy • Alex Moffat, TfL T&PH • Luke Howard, TfL T&PH
01/04/10	TPH workshop with taxi trade representatives on MAQS <ul style="list-style-type: none"> • Ivan Kovler, LMCPA • Eddie Crossley, LMCPA • Steve McNamara, LTDA • Mike Hedges, Unite the Union • Grant Davis, LCDC • Brian Rice, Dial-a-Cab • Peter da Costa, KPM Taxis • John Mason, TfL T&PH • Helen Chapman, TfL T&PH • Luke Howard, TfL T&PH
07/05/10	TPH workshop with taxi trade representatives on MAQS <ul style="list-style-type: none"> • Eddie Crossley, LMCPA • Steve McNamara, LTDA • Mike Hedges, Unite the Union • Grant Davis, LCDC • Peter da Costa, KPM Taxis • Malcolm Paice, ComputerCab • John Mason, TfL T&PH • Helen Chapman, TfL T&PH • Luke Howard, TfL T&PH

Private Hire Vehicles (PHVs) trade meetings (MAQS)

Date	Meeting and attendees
13/11/09	TPH workshop with PHV trade representatives on MAQS <ul style="list-style-type: none"> • Joe Polley, LPHCA (& PH Board etc) • Jon Jordan, Inst of Professional Drivers & Chauffeurs • Selim Choonara (Addison Lee & Echo 99 magazine) • John Mason, TfL T&PH Sam Kennedy, TfL CCTE Strategy Mark Poulton, TfL CCTE Strategy Alex Moffat, TfL T&PH Luke Howard, TfL T&PH
12/01/10	TPH workshop with PHV trade representatives on MAQS <ul style="list-style-type: none"> • Steve Wright, LPHCA • Joe Polley, LPHCA • Eddie Townson, PH Board • Les Chapman, PH Board • Bill Edwards, Chauffeur & Executive Ass'n • Selim Choonara, Addison Lee & Echo 99 magazine • Helen Chapman, TfL T&PH Sam Kennedy, TfL CCTE Strategy Finn Coyle, TfL Surface Operations Alex Moffat, TfL T&PH Luke Howard, TfL T&PH
12/02/10	TPH workshop with PHV trade representatives on MAQS <ul style="list-style-type: none"> • Steve Wright, LPHCA • Joe Polley, LPHCA • Eddie Townson, PH Board • Les Chapman, PH Board • Jon Jordan, IoPDC • Selim Choonara, Addison Lee & Echo 99 magazine • John Mason, TfL T&PH Sam Kennedy, TfL CCTE Strategy Luke Howard, TfL T&PH

Communications (MAQS and exemptions)

Date	
26/04/10	TPH Notice 13/10 issued regarding draft MAQS
December 2010	TPH newsletter issued confirming taxi and PHV air quality initiatives in MAQS
05/05/11	TPH Notice 05/11 issued confirming taxi and PHV air quality initiatives in MAQS
23/05/11	TPH Notice 06/11 issued regarding consultation on exemptions from age-limits
June 2011	TPH newsletter issued confirming age limit and Euro requirements for taxis and PHVs in MAQS and notify trades of age-limit exemption consultation
June 2011	Letter sent to taxi and PHV owners affected by age limits

Meetings during consultation on exemptions to age-based limits

Date	
24 & 27/06/11	Telephone conversation and email exchange with disabled PHV user regarding age limit exemption consultation and PHVs
28/06/11	Meeting with PHV driver regarding requirements and exemptions for disabled drivers
	TPH has regular quarterly meetings with representatives from the taxi and PHV trades

Appendix D: Table of the proposed exemptions for the consultation

This section is not for consultation (is set out in MAQS)				Proposals below are for consultation					
Age-based limit Emissions Standard				Proposed exemptions					
	Implementation date	Maximum rolling age-based limit (2)	Minimum Emissions Standard (Euro Standard)	Alternative fuel	Historic vehicle (6) and classic/niche (7)	Wheelchair-accessible vehicles (8)	Specialist needs transport (9)	Vehicle covered by LEZ requirements	
Taxis	Licensed (1) before implementation date of 1 Jan 2012	15 years	Euro III (under current CoF)	If approved & converted before 1/1/12, additional 5 years on 15-year rolling age limit (4) If approved & converted on or after 1/1/12 and meets full requirements for Euro V, additional 5 years on 15-year rolling age limit (5)	Exemption criteria not relevant for taxis	Exemption criteria not relevant for taxis - all taxis are wheelchair-accessible as part of CoF	Exemption criteria not relevant for taxis	Not applicable	
	Licensed (1) on or after 1/1/2012 and before 1/4/2012	15 years	Euro III (under current CoF)	If approved & converted on or after 1/1/12 and meets full requirements for Euro V, additional 5 years on 15-year rolling age limit (5)	Not applicable	Not applicable - all taxis are wheelchair-accessible as part of CoF	Not applicable	Not applicable	
	Licensed (1) on or after 1/4/2012	15 years (3)	Euro V/5	Not applicable	Not applicable	Not applicable - all taxis are wheelchair-accessible as part of CoF	Not applicable	Not applicable	
PHVs	Licensed (1) before implementation date of 1 Jan 2012	10 years	N/A	Additional 5 years on 10-year rolling age limit if conversion meets Euro 3 standard	Exempted (7)	Additional 5 years on 10-year rolling age limit (10)	Additional 5 years on 10-year rolling age limit (10)	Additional 5 years on 10-year rolling age limit (10)	
	Licensed (1) on or after 1 January 2012 and before 1 April 2012	5 years at first licensing, then 10 years subsequently	N/A	No exemption	Exempted (7)	Additional 5 years on 5-year age limit at first licensing; subsequently an additional 5 years on the 10-year age limit (10)	Additional 5 years on 5-year age limit at first licensing; subsequently an additional 5 years on the 10-year age limit (10)	Additional 5 years on 5-year age limit at first licensing; subsequently an additional 5 years on the 10-year age limit (10)	
	Licensed (1) on or after 1 April 2012	5 years at first licensing, then 10 years subsequently	Euro 4	No exemption	Exempted (7)	Additional 5 years on 5-year age limit at first licensing; subsequently additional 5 years on the 10-year age limit; must be Euro 4 standard (10)	Additional 5 years on 5-year age limit at first licensing; subsequently an additional 5 years on the 10-year age limit; must be Euro 4 at point of licensing (10)	Additional 5 years on 5-year age limit at first licensing; subsequently an additional 5 years on the 10-year age limit; must be Euro 4 at point of licensing	

1 Licensed here means first date of licence with TPH
2 Age is from date of registration with DVLA. The age for the taxi or PHV will be as at date of annual re-licensing
3 Note that all newly-manufactured taxis will be Euro 5 from January 2012
4 Approved as per Conditions of Fitness - would need to meet Euro 3, TPH will assess conversions
5 To meet emissions standards of the EC directive on Euro V/5
6 As per DVLA definition: manufactured before 1 Jan 1973
7 Classic/niche vehicles will be determined on application to TPH using existing criteria. If they meet these criteria, they will be exempted from the age-based limits.
8 Wheelchair Accessible Vehicles (WAVs) are already identified as such at licensing
9 Operators will need to apply to TPH to be registered as Specialist Needs Transport (SNT)
10 Certain classes of diesel vehicles will still need to meet LEZ emissions requirements - Euro 3 for PM

Appendix E: Details of stakeholders emailed at the start of the consultation

Organisation name
Chauffeur & Executive Association
Computer Cab
Crossbow Tours
Dial-a-Cab
Heathrow Taxis
Licensed Private Hire Car Association (LPHCA)
London Cab Drivers' Club (LCDC)
London Motor Cab Proprietors' Association (LMCPA)
London Suburban Taxi Drivers' Coalition
London Taxi Company
LTDA
Mr Robinson
One80
Private Hire Board
Private Hire Car Association (Addison Lee)
Radio Taxis
RMT London Taxi section (in correspondence only)
Star Cars
Taxi Divers and Owners Legal Protection Limited
Unite London cab trade section
In addition, a further 3 individual taxi owners had requested details, which TPH sent. All the information was also placed on the TPH website and announced in a TPH Notice. Subsequent requests for information were also fulfilled.

Appendix F: Equalities Impacts Review

1. Introduction and purpose of this document

Age-based limits and emissions standards will be introduced for taxis and private hire vehicles in London from 2012. This follows Transport for London's (TfL) implementation of the Mayor's Air Quality Strategy ("MAQS"), published by the Mayor of London on 14 December 2010. Proposals for age limits and emissions standards for taxis and PHVs were contained in a draft of the proposed strategy ("the Draft MAQS") which was the subject of a public and stakeholder consultation between 28 March and 13 August 2010. An Integrated Impact Assessment reviewing the impact of the proposals contained in the Draft MAQS ("the Draft MAQS IIA") on a range of interests and issues (including equalities) was prepared and released alongside the draft Strategy to inform and facilitate the consultation. The MAQS published in December 2010 included amended age based limits and standards from those contained in the consultation draft. A Post-Adoption Statement (PAS) was subsequently published which included a consideration of the equalities impacts of the proposals contained in the final approved Strategy.¹⁶

The MAQS stated that further consultation would be undertaken with the taxi and PHV trades on a limited number of exemptions to the age-based limits and emissions standards it contained. In summer 2011¹⁷ TfL's Taxi and Private Hire office (TPH) consulted on proposals for such exemptions: "the Exemptions Consultation". No further assessment of impacts was undertaken at this point, as this exercise had already been undertaken when the IIA was prepared for the Draft MAQS. In addition, the consultation necessarily concerned exemptions to the MAQS' age-based limits and emissions standards and did not propose any changes to those policies themselves. Further, as the proposed exemptions were necessarily very limited in scope and number, they were an operational rather than policy matter. Appendix B sets out both the age-based limits and emissions standards put in place by MAQS, as well as the proposed exemptions to them, consulted on in summer 2011.

However, some respondents raised a number of concerns in relation to the equalities impacts of the MAQS's age-based limit policies during the Exemptions Consultation. Although these policies were not themselves open to consultation or change at that time, having already been confirmed by the Mayor on 14 December 2010, in line with its statutory public sector equality duties, TfL has considered the issues they raised.

¹⁶ The final MAQs, Draft MAQS, the IIA, the PAS and other related documents can be found at: www.london.gov.uk/air-quality/links

¹⁷ 23 May-18 July 2011. The consultation document is at: <http://www.tfl.gov.uk/businessandpartners/taxisandprivatehire/8832.aspx>

This information is set out in Section 3 below. The data used on the number and age profile of taxis and PHVs licensed in London is from May 2009, as was used in developing the MAQS including consultation drafts. Other data on driver age and ethnicity was provided for this assessment by TPH and is therefore more recent – see footnotes for dates and sources.

In developing and consulting on the age-based limits contained in the MAQS, and latterly on the proposed exemptions, TPH met stakeholders (including a number of taxi and PHV representative groups) and individuals. A bullet point list of these meetings and relevant communications sent out by TPH is contained in Appendix C.

This report has been prepared as an appendix to TPH's main Report on the Consultation on Exemptions to the Age-based Limits for Taxis and PHVs (September 2011).

2. The MAQs and the earlier Integrated Impact Assessment

It is important to consider the potential adverse impacts of the age-based limits (and potential exemptions) in the context of the overall statutory aims of the MAQS, and to refer to the overall appraisal of impacts set out in the IIA and PAS of the draft and final Strategy documents respectively. The MAQS aims to improve air quality by reducing air pollution emissions, including emissions from transport. The Greater London Authority Act 1999 requires that it contains policies and proposals for implementing the national air quality strategy in Greater London and achieving air quality standards and objectives in that area as prescribed under the Environment Act 1995, and now effectively superseded by the requirements of European air quality legislation (see below).

The principal air pollutants considered by the MAQS are particulate matter (PM) and oxides of nitrogen (NO_x)¹⁸. Poor air quality can cause serious health problems and reduces the quality of life experienced by everyone. Its impacts are most severely felt by vulnerable people such as children, older people and those with existing heart and lung conditions. In addition, people living in areas near major roads-which are often some of the most deprived parts of London- are exposed to particularly high levels of pollution.

The European Union has issued an air quality Directive (2008/50/EC), that sets standards for a variety of pollutants that are considered harmful to human health and the environment. These include limit values, which are legally binding and must not be exceeded, for seven local pollutants, including PM and NO₂.

Policy 4 of the MAQS, 'Reducing emissions from public transport' sets out proposals for buses, taxis, PHVs, rail and river transport, and for GLA, borough and public

¹⁸ NO_x is made up of nitric oxide (NO) and nitrogen dioxide (NO₂). NO easily converts to NO₂ in the air so to reduce concentrations of NO₂ it is important to control emissions of NO_x. The EU limit value applies to NO₂.

sector fleets. One of these is the introduction of age limits and emissions standards for taxis and PHVs. Appendix B sets out a summary of the age limits, emissions standards and the proposed exemptions. The proposed exemptions were relatively limited in scope and number so as not to undermine the relevant policies in the MAQS and their overall impact on air quality.

The Draft MAQS IIA included an assessment of the predecessor of Policy 4, which differed from the final approved version in that Draft Policy 4 proposed that the 15-year age limit for taxis be tightened to 10 years from 2015, and did not specify an age limit for PHVs (but did propose that new PHVs must be Euro 4 from 2012) . The Draft MAQS IIA noted that the proposals would “encourage and accelerate the introduction and use of cleaner vehicles. These will generally reduce emissions of CO₂ and reduce noise pollution, as well as creating business opportunities.” It also noted that the vehicles covered by the proposals “do large mileages in busy areas, so reducing emissions from a small number of vehicles can have disproportionate benefits.” The Draft MAQS IIA assessed proposals against 15 objectives, and for the Air Quality objective assessed Policy 4 as ‘++ policy very good for this objective.’

An equalities assessment is included at Annex 2 of the Draft MAQS IIA. With regard to draft Policy 4, it states:

“Policy 4 – reducing emissions from particular sources in the public transport and public sector fleets: this will have the effect of reducing emissions in busy areas and will have a disproportionately beneficial effect in central areas and high street locations. It will reduce the need for those suffering from respiratory problems to avoid pollution hotspots.”

3. Equalities impacts of age-based limits

Concerns were raised during the Exemptions Consultation about the possibility of adverse impacts on the following groups:

Disabled drivers

An individual respondent to the consultation who was a PHV driver stated that consideration should be given to exemptions to the age-based limits for disabled drivers who may have made adaptations to their vehicle or be medically-assessed as needing to drive a particular type of vehicle in order to accommodate their disability. Representatives from TfL met with this respondent to discuss the matter and how such an exemption might be defined and implemented.

PHV Drivers of BAME (black, Asian and minority ethnic) origin

In its response, the Association of Somali London Minicab Drivers (ASLMD) stated that 25% of PHV drivers in London are Somali/of Somali origin, and that the age-based limits would have a negative impact on this group due to the costs of vehicle replacement. A meeting was offered to this group by the Director of TPH.

Older drivers

One response (with 21 signatories) asked for a 5-year extension to the taxi age-based limit, stating that as part-time drivers working to supplement a pension, the cost of vehicle replacement would be unviable. Although no age was given by the respondents in question, for the purposes of equalities assessment, TfL considers older people to be over 60, and it is assumed that, as a pensioner, this respondent falls into this category.

TfL consideration of issues raised, possible mitigations and recommendations

3a Disabled drivers

The Exemptions Consultation included a proposed exemption (in the form of additional time for compliance extending the 15 year age limit) for PHVs which are Wheelchair-Accessible Vehicles (WAVs) or Specialist Needs Transport. This proposal mainly pertains to adaptations made for the benefit of *passengers*, and was made in recognition of:

- The significant costs incurred in the construction or adaptation of these vehicles
- The important social role they fulfil
- The need to encourage the provision of vehicles for this market

(Note that this proposed exemption applies to PHVs only: all licensed taxis have a wheelchair ramp fitted and many also have other accessibility features.)

As outlined above, one respondent said that an exemption should also be considered for *drivers* with disabilities, where their disability means that they need to make substantial adaptations to their vehicle or use a particular type of vehicle. Although the respondent was a PHV driver, in principle the same issue would apply to disabled taxi drivers.

At present TfL considers adaptations to vehicles for disabled drivers on a case-by-case basis (for the purpose of licensing) but does not hold reliable data on the numbers of disabled taxi or PHV drivers. The proportion of Londoners who are disabled is 15.7%¹⁹. It might be reasonable to expect that this proportion is similar (most likely lower) among PHV drivers. Given that there are some 61,000 PHV drivers in London²⁰, this would mean – at a generous assessment – some 9,500 disabled PHV drivers. Applying the same approach to taxi drivers, it would be expected that there would be around 4,000 disabled taxi drivers. However, the

¹⁹ 2009 London borough average for people of working age. Source ONS <http://data.london.gov.uk/datastore/package/working-age-employment-and-disability-borough>

²⁰ Source: TPH, July 2011.

proportion of these who need to drive a particular vehicle or make adaptations to their vehicles owing to their disability would be expected to be much smaller. Therefore any exemption which was available to this group would be expected to have a very small impact on the effect of the overall policy. The impact would be further limited by the requirement for individual drivers to apply for this exemption and to satisfy TPH of their eligibility.

The introduction of age-based limits for taxis and PHVs is intended to improve air quality in London and improve the health of Londoners overall. It is important to balance this overall objective with the impact on individual drivers brought about by these limits, in terms of vehicle replacement cost, for example. This assessment has already been made in developing the MAQS; however, one of the purposes of the consultation on exemptions was to invite comment on any further exemptions that might be put in place.

It is therefore recommended that a further exemption be approved where substantial adaptations have been made to the vehicle – in the form of a 5-year extension of the relevant taxi or PHV maximum age limit – is provided for this category of driver, being personal to the driver and particular taxi or PHV in question. Such an exemption would have to be applied for on an individual basis and would require the applicant to submit an appropriate assessment of their need to drive a particular vehicle or adapted vehicle to mitigate the impacts of their particular disability. This would normally take the form of a Motability Assessment plus any supporting medical evidence available. Given the circumstances of drivers will vary widely depending on their particular disabilities and needs, TPH will grant any such exemption as part of the annual (re) licensing process using its general ability to grant exemptions to vehicles from licensing requirements on a case-by-case basis in exceptional circumstances.²¹ It is not recommended that these cases are granted a complete or indefinite exemption from the relevant age-based limits, because it is important to improve the emissions levels from the fleet and also improve amenity, by implementing age-based and emissions standards, albeit at a slower rate.

²¹ The PHV Act 1998 – to be amended in 2011 to allow for this

3b PHV Drivers of BAME (black, Asian and minority ethnic) origin

Sixty-seven per cent of PHV drivers licensed in London are from BAME groups²². For comparison, five per cent of taxi drivers are in these groups, and 74% are White British²³. The age-based limits and emissions standards differ for taxis and PHVs: in summary, taxis have a higher age-based limit, although most of the exemptions proposed would give both taxis and PHVs an additional five years compliance time, extending the maximum age of their vehicles. Therefore it is reasonable to expect that, in this respect, age-based limits for PHVs will have a disproportionate impact on people who are PHV operators or drivers from BAME groups when compared to taxi operators or drivers.

A possible mitigation would be to make an exemption to the age-based limits available to this group (BAME drivers and operators), which could take the form of a complete exemption (e.g. as is proposed for classic vehicles) or additional time for compliance (e.g. as is proposed for WAVs and SNTs). Alternatively, financial help could be provided for affected drivers, although this type of mitigation is not currently proposed for any driver/owner or vehicle affected by the age-based limits.²⁴

Before considering potential mitigations in detail, it will be useful to briefly reiterate the rationale for the age-based limits and emissions standards and the proposed exemptions for each, and why these differ between taxis and PHVs. (The costs of purchase, natural replacement rates and average age of taxis and PHVs has been considered in this process.)

Developing the age-based limits for taxis and PHVs

The forthcoming age limits for licensing of taxis and PHVs by TPH (15 years for taxis and 10 years for PHV) have been designed to achieve maximum benefit for London in reductions of air quality pollutants, particularly oxides of nitrogen (NO_x) and particulate matter (PM). A system of legislated limits for air quality pollutants operates throughout Europe such that newer vehicles are certified to tighter controls than older ones. Therefore the only way to ensure uniform continuing reductions in air quality emissions is to encourage the adoption of newer vehicles into the fleet. Achieving the maximum practicable benefit has been weighed against retaining an economic service life from the vehicles.

The dedicated London taxi vehicle (black cab) is a specialist vehicle designed to carry out multiple short stage journeys, providing good access, particularly for the disabled, and a large passenger capacity. The vehicle is built on a separate chassis

²² Source: TPH, July 2011. TfL does not hold data on the number of Somali PHV drivers as this is not one of the standard categories used. Nor is ethnicity data on PHV owners available.

²³ Source: TPH, January 2011. 17% of taxi drivers' ethnicity is 'unknown/not declared'

²⁴ The Mayor has established a Low Emission Taxi Fund to provide incentives to taxi drivers to purchase lower-emission taxis once these are available, and MAQS Policy 2 calls upon the Government to extend scrappage schemes and introduce a grant scheme for fitting pollution abatement equipment

and historically designed for a long service life. It also represents a substantial initial investment for the taxi operator (a brand new taxi costs around £30,000²⁵) and must be used intensively to achieve a reasonable return on investment. It is intended for operation in urban environments and constructed to operate for many years so a 15 year age limit is appropriate for these vehicles.

A Private Hire Vehicle (PHV) may be of a wide range of designs, rather than the singular design of the black cab, although it is most frequently of the family saloon or MPV type. These vehicles are not specialised in design, being showroom models from numerous different manufacturers. Apart from certain prestige brands, they will generally represent a smaller initial investment than a black cab. Given the diversity of PHVs, it is not possible to provide a single price for a brand new vehicle, as it is for taxis. However, the Ford Galaxy is a very popular choice, and costs around £25,000 to buy brand new (a Toyota Prius costs about £21,000, and, in the limousine class, a Mercedes S class around £60,000)²⁶. Of course, both taxis and PHVs can be bought more cheaply second-hand, and operators purchasing several vehicles for a fleet may have the opportunity to negotiate discounts.

PHVs are generally operated in a different way to taxis. Being pre-booked, they will undertake longer journeys in general, possibly outside urban areas for some of the time. They are likely to cover higher annual mileages. The combination of smaller initial investment, high annual mileage and less specialised construction make it reasonable that a 10 year upper age limit is specified for these vehicles.

In developing MAQS, TPH modelled for the Mayor the impact of age-based limits on the taxi and PHV fleets, using May 2009 data on the age profile of vehicles licensed in London. For taxis, the introduction of a 15-year age-limit in January 2012 is projected to mean a further 5% of vehicles need to be replaced (around 1, 200 vehicles), additional to the natural churn which is 6% of vehicles (a total of 11% of vehicles replaced). For PHVs, it is projected that the introduction of an age-based limit (5 years at first licensing, then 10 year rolling-age limit) in January 2012 would mean a *total* replacement rate of 9% of vehicles (around 4,500 vehicles). Data is not available on the natural churn rate of PHVs, so it is not possible to isolate the effects of the age-based limits. This data indicates that the average age of taxis is around 7 years; for PHVs the figure is around 5 and a half years. Therefore it would be expected that most PHVs are replaced before they reach the age limits set out in the MAQS.

Potential mitigations

If an exemption were made available for PHVs, then, it could be expected to affect some 9% of all PHVs (estimated at around 4,500 vehicles), a relatively large number. Any such exemption would need to be available to PHV drivers in general,

²⁵ On the road price (LTC website). Source: TfL, July 2011

²⁶ On the road prices. Source: TfL, July 2011

and could not be limited to those from BAME groups without contravening discrimination legislation. Providing an exemption from the age-based limit would therefore be likely to undermine the overall effect of the policy, which is intended to improve air quality in London, and hence the health of Londoners. Exemptions already proposed are for tightly-defined cases, usually pertaining to the vehicle rather than the driver, and usually take the form of additional time for compliance added to the maximum age limit rather than indefinite exclusion. In this way the number of vehicles which are eligible for exemptions – and the consequent impact on air quality – is limited. It is also important that the overall amenity of the PHV fleet, which is a key part of public transport in London, is maintained.

Another possible mitigation is to provide financial help with the cost of vehicle replacement. Unlike the first mitigation, this could have the advantage of ensuring that there is compliance without applying a time extension to the the age-limits, but it would incur a significant cost to the body providing the grant. TfL does not have money budgeted for this purpose in the current Business Plan. A further disadvantage would be the cost and resources involved in the likely bureaucracy required to implement this type of payment; and the need to define criteria and regulate the scheme.

In its response, the Association of Somali London Minicab Drivers (ASMLD) also suggested that the consultation period for the policy on age-based limits be extended. As noted in Section 1, the consultation of summer 2011 concerns the *exemptions* to these limits. The age-based limits themselves have been consulted on during the development of the MAQS in 2009-10, and several meetings and workshops were held with representatives from the taxi and PHV trades during this time²⁷, as well as there being an opportunity for individuals and groups to respond directly to the Mayor's office about the draft proposals. The Mayor confirmed MAQS in December 2010. It is not therefore possible to extend the consultation period on the age-based limits. However, TfL is, in this assessment, considering the issues raised by ASMLD.

On 11 July the Director of TPH wrote to the chair of ASMLD setting out the current position and offering to meet. In this letter he stated that TPH is in discussions with a number of vehicle leasing companies with regards to services that may provide suitable alternatives to private hire drivers impacted by the age limits. Further information on how TPH is taking this forward is set out in the main Consultation Report.

As indicated above, it is important to consider the impact of any exemption or mitigation on the overall effect of the age-based limits and emissions standards put in place by MAQS. These standards will benefit the health of Londoners, and the

²⁷ See Appendix B

Equalities Assessment section of the Draft MAQS IIA noted that certain groups in particular would benefit:

...many of the policies will promote equality by 'levelling up' the quality of non-car transport which less well-off people need more. In particular women will benefit since they are less likely to have a driving licence. It will improve air quality in public spaces which they have less opportunity to avoid. In terms of health inequality children and young people, and those with respiratory problems, will benefit disproportionately.

(page 54 of IIA)

An exemption or additional compliance time for the age-based limit would, in this case, apply to a relatively large number of vehicles and therefore undermine the purpose and effects of the policy. For this reason, this approach is not recommended. However, it is recommended that TfL continue to press the Government for financial help via scrappage schemes²⁸ and/or help with the cost of abatement equipment. TPH has and will continue to work with the taxi and Private Hire trade and vehicle manufacturers to provide financial support and incentives to those impacted by the age limits.

3c Older drivers

Just over a quarter of taxi drivers registered in London are over 60 years of age (6,813 drivers, which is 27% of all taxi drivers). For PHV drivers, this proportion is much lower at 7% of all PHV drivers (4,354 drivers).²⁹ TfL does not hold information on how much work done by older drivers is part-time, nor the age of vehicles used by these drivers, nor whether this group tends to be owner-drivers or drivers who rent a vehicle. Both part-time taxi and full-time drivers may rent rather than own their own taxi.

As in the previous section, possible mitigations could include providing an exemption and/or time extension to this group, or some form of financial assistance. These possible mitigations need to be considered in terms of their feasibility and their impact on the overall policy of reducing air pollutant emissions in London by introducing age-based limits and emissions standards for London.

As set out above, it is difficult to ascertain exactly how many vehicles might be eligible for such an exemption, but, given the driver profile, it would be a quarter of all taxis (around 5,500) at most, and with the propensity for this group to rent vehicles, probably a lower figure. Nevertheless this is a significant proportion of vehicles, and any exemption would undermine the effect of the policy by reducing the number of older taxis removed from the fleet. Offering financial assistance would require TPH to develop robust application criteria, which might need to include, for example, details of hours worked and personal earnings and income: this would be

²⁸ The equalities assessment of the IIA states that "future vehicle scrappage schemes could be socially inequitable if they followed the model of the 2009-10 Government car scrappage scheme because it could only be accessed by those who could already afford the rest of the cost of a new car." (page 54)

²⁹ Source: TPH, April 2011

bureaucratic, and very difficult to verify. Additionally, and as in the previous section, TfL does not have money budgeted for this purpose.

As set out earlier, the 15-year age limit is considered reasonable, given the cost of purchase and expected life of a taxi, and was developed in consultation with the industry. Drivers who decide not to replace a taxi have the option to hire a vehicle. Taxis are major contributors to pollution problems in London as their diesel engines emit significant levels of pollutants including fine particles which can affect health. The rolling 15 year age limit is being introduced because it enables London to tackle the oldest and dirtiest taxis within the fleet and has been developed in consultation with the taxi industry.

4. Conclusion and next steps

The Commissioner is asked to decide whether to confirm the continued implementation of the age based limits and standards (by confirming amendments to the Taxi Conditions of Fitness and PHV prescribed requirements) to apply from 1 January 2012 and also the exemptions to them that will apply from the same date. In making these decisions the Commissioner is asked to carefully consider all the issues raised in the consultation responses, as well as this report; the IIA and PAS prepared for the draft and final MAQS should also be considered.

This report does not replace or supersede the existing Draft MAQS IIA and PAS. It is a supplement to them which TfL has prepared in response to issues raised during the consultation on proposed exemptions to the age-based limits and emissions standards contained in MAQS Policy 4.

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Appendix G: Table of exemptions (with applicable conditions) that are recommended for approval

Age-based limits and emissions standards as set out in the Mayor's Air Quality Strategy (MAQs)					Exemptions to age-based limits recommended for approval			
					Where exemptions differ from the exemption consulted on, text is in italic			
	Implementation date	Maximum rolling age	Emissions Standard	Minimum Emissions Standard (Euro)	Alternative fuel	Historic vehicle (6) and classic/niche (7)	Wheelchair-accessible vehicles (8)	Specialist needs transport (9)
Taxis	Licensed (1) before implementation date of 1 Jan 2012	01-Jan-12	15 years	Euro 3 (under current CoF)	If approved & converted before 1/1/12, additional 5 years on 15-year rolling age limit (4)	Exemption criteria not relevant for taxis	Exemption criteria not relevant for taxis - all taxis are wheelchair-accessible as part of CoF	Exemption criteria not relevant for taxis
	Licensed (1) on or after 1/1/2012 and before 1/4/2012	01-Jan-12	15 years	Euro 3 (under current CoF)	<i>Additional 5 years on the 15-year age rolling age limit, must meet Euro 5 (11)</i>	Not applicable	Not applicable - all taxis are wheelchair-accessible as part of CoF	Not applicable
	Licensed (1) on or after 1/4/2012.	01-Apr-12	15 years (3)	Euro 5		Not applicable	Not applicable - all taxis are wheelchair-accessible as part of CoF	Not applicable
PHVs	Licensed (1) before implementation date of 1 Jan 2012	01-Jan-12	10 years	N/A	Additional 5 years on 10-year rolling age limit if conversion meets Euro 3 standard	Exempted (7)	Additional 5 years on 10-year rolling age limit (10)	Additional 5 years on 10-year rolling age limit (10)
	Licensed (1) on or after 1 January 2012 and before 1 April 2012	01-Jan-12	10 years	N/A	<i>Additional 5 years on the 10-year rolling age limit, must meet Euro 5 (12)</i>	Exempted (7)	Additional 5 years on 5-year age limit at first licensing; subsequently an additional 5 years on the 10-year age limit (10)	Additional 5 years on 5-year age limit at first licensing; subsequently an additional 5 years on the 10-year age limit (10)
	Licensed (1) on or after 1 April 2012.	01-Apr-12	5 years at first licensing, then 10 years subsequently	Euro 4		Exempted (7)	Additional 5 years on 5-year age limit at first licensing; subsequently additional 5 years on the 10-year age limit; must be Euro 4 standard (10)	Additional 5 years on 5-year age limit at first licensing; subsequently an additional 5 years on the 10-year age limit; must be Euro 4 at point of licensing (10)
1 Licensed here means first date of licence with TPH								
2 Age is from date of registration with DVLA. The age for the taxi or PHV will be as at date of annual re-licensing								
3 Note that all newly-manufactured taxis will be Euro 5 from January 2012								
4 Approved as per Conditions of Fitness - would need to meet Euro 3, TPH will assess conversions								
5 To meet emissions standards of the EC directive on Euro V/5								
6 As per DVLA definition: manufactured before 1 Jan 1973								
7 Classic/niche vehicles will be determined on application to TPH using existing criteria. If they meet these criteria, they will be exempted from the age-based limits.								
8 Wheelchair Accessible Vehicles (WAVs) are already identified as such at licensing								
9 Operators will need to apply to TPH to be registered as Specialist Needs Transport (SNT)								
10 Certain classes of diesel vehicles will still need to meet LEZ emissions requirements - Euro3 for PM								
11 The conversion must have been done by the time of the annual inspection in the 15th year of the vehicle's life. Must be a conversion from diesel, with the conversion approved by TPH.								
12 The conversion must have been done by the time of the annual inspection in the 10th year of the vehicle's life. Must be a conversion from diesel, with the conversion approved by TPH.								

Conditions for exemptions recommended for approval

		Conditions & Limitations	Period of exemption
Taxis	Alternative fuel	Acceptable alternative fuels are LPG, CNG and biomethane	Additional 5 years on existing age limit
		Taxis licensed before 1 January 2012 must meet Euro 3. Taxis licensed after this date must meet Euro 5 (for LPG).	
		All conversions to vehicles must be approved by TPH. In the case of Taxis, this will be via approval process	
		Conversions must be from diesel (all taxis will be diesel; PHVs must be diesel-to-LPG conversions)	
		Taxis must be converted by the date of their annual inspection in their 15th year	
	Historic vehicle and classic/niche	Applies only to Asquith taxis licensed prior to 1 January 2012	Indefinite
PHVs	Alternative fuel	Acceptable alternative fuels are LPG, CNG and biomethane	Additional 5 years on existing age limit
		PHVs licensed before 1 January 2012 must meet Euro 3. Taxis licensed after 1 January 2012 must meet Euro 5 (for LPG).	
		All conversions to vehicles must be approved by TPH. For PHVs each conversion will require evidence that it meets Euro 5	
		PHVs must be converted by the date of their annual inspection in their 10th year	
	Historic vehicle and classic/niche	Historic vehicles are defined as per DVLA definition: manufactured before 1 Jan 1973	Indefinite
		Niche vehicles: TPH will decide on application whether a vehicle meets this category.	
	Wheelchair-accessible vehicles	Wheelchair Accessible Vehicles (WAVs) are already identified as such at licensing	Additional 5 years on existing age limit

		Conditions & Limitations			Period of exemption
	Specialist needs transport	Owners/drivers wishing to apply for SNT designation for their vehicle(s) will need to apply to TPH and supply appropriate evidence to			Additional 5 years on existing age limit
	Vehicle covered by LEZ requirements	For details of the LEZ, see www.tfl.gov.uk/lezlondon . Affected vehicles would typically be certain vans or minibuses, which will be affected by the LEZ from 3/1/12.			Additional 5 years on existing age limit

Transport for London
London Taxi and Private Hire

Exemptions to age-based limits - Consultation

23 May – 18 July 2011

SUPPLEMENTARY INFORMATION

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1. Introduction and purpose of this document

This document sets out proposed exemptions to the age-based limits for taxis and PHVs, which will come into operation on 1 January 2012. These were put in place by the Mayor's Air Quality Strategy (MAQS) in December 2010 following public and stakeholder consultation.

The MAQS sets out age-based limits and emissions standards, and states that there may be special exemptions to them for particular vehicle groups (para 3.10.4), which would be implemented via the taxi and Private Hire Vehicle (PHV) licensing regimes, and would be consulted on with the trade. This consultation document sets out the proposed exemptions (including time extensions and "grandfather rights" where vehicles have had approved conversions) and describes how they have been developed. The age-based limits and related emissions standards introduced by the MAQS are not themselves subject to further consultation but some information has been provided on them here in order to give context to the proposed exemptions.

Since the publication of the MAQS, there have been a number of enquiries and suggestions made to TfL and the Mayor regarding the nature of these exemptions. These have been considered in developing the proposals set out here.

To avoid undermining the purpose of the limits and standards set out in the MAQS, and to make them workable, it is envisaged that any approved exemptions would need to be tightly-defined and apply to a relatively small number of vehicles. They would also need to be capable of being integrated within the current vehicle licensing regime.

2. The Mayor's Air Quality Strategy and age-based limits for taxis and PHVs

The Mayor's Air Quality Strategy (MAQS) for London was published on 14 December 2010. It was preceded by an extensive period of public consultation, during which comments were invited from stakeholders, including the taxi and PHV trade. The strategy sets out a wide range of measures for improving air quality by reducing air pollution emissions, including emissions from transport. The principal air pollutants considered are particulate matter (PM) and oxides of nitrogen (NO_x)¹. The strategy includes actions that need to be taken by other organisations such as the Government and the EU as well as by the Mayor and TfL.

Policy 4 of the MAQS, 'Reducing emissions from public transport' sets out proposals for buses, taxis, PHVs, rail and river transport, and for GLA, borough and public sector fleets. One of these is the introduction of age limits and emissions standards for taxis and PHVs. The relevant standards for this consultation are summarised below:

¹ NO_x is made up of nitric oxide (NO) and nitrogen dioxide (NO₂). NO easily converts to NO₂ in the air so to reduce concentrations of NO₂ it is important to control emissions of NO_x. The EU limit value applies to NO₂.

- From 1st January 2012, no licence will be issued for a taxi over 15 years old.
- From April 2012, all taxis new or new to licensing are to meet a minimum Euro 5 emissions standard.
- From 1st January 2012, no licence will be issued to a PHV over 10 years old.
- From April 2012, all PHV's new or new to licensing are to meet a minimum Euro 4 emissions standard and to be 5 years old or newer.

The aims of this approach are to promote the use of newer, cleaner vehicles in both vehicle sectors; improving London's air quality and environment and providing improved safety and passenger amenity benefits derived from the use of more modern vehicles. The MAQS sets out that these limits will be implemented via the taxi and PHV licensing regimes.

There are a number of other initiatives set out in the MAQS to improve the environmental performance of taxis and PHVs such as the age-based and emissions limits connected to this consultation, eco-driving and supporting the development of new technologies. The Mayor is collaborating with the taxi manufacturing industry to develop an affordable taxi capable of zero-emission operation by 2020 and to ensure that all new taxis available by 2015 have 60 per cent improved fuel economy compared to current vehicles. The Mayor has also announced the establishment of a financial incentive scheme that will offer a reduction on the purchase price of qualifying low emission vehicles to London's taxi drivers.

A full copy of the MAQS, an Executive Summary and other related documents, including the GLA's response to comments received during the consultation, are available online:

<http://www.london.gov.uk/air-quality/links>

3. The licensing and inspection regime for taxis and private hire vehicles, and the introduction of age-based limits and emissions standards

The age-based limits and emissions standards put in place by the MAQS will be implemented via the existing regimes for taxi and PHV inspection and re-licensing (licence renewals). Any exemptions would also be implemented in this way. London Taxi and Private Hire (TPH) is the directorate within TfL that manages the licensing regime for both taxis and PHVs.

In this context, it may be useful to reiterate the legal and operational context for taxi and PHV licensing in London, and how changes to the current regime are put in place.

The legislation with regard to TfL's ability to license vehicles as taxis in London is set out in the Metropolitan Public Carriage Act 1869 (MCA). Under the Cab Order 1934,

TfL can specify Conditions of Fitness for taxis. These, and the relevant Inspection Manual, are used in the inspection and (re) licensing of taxis.

Private Hire Vehicles (PHVs) in London are licensed under the Private Hire Vehicles (London) Act 1998. This legislation enables TfL to prescribe regulations with regard to the vehicles licensed. The PHV regulations, and the relevant Inspection Manual, are used in the inspection and (re) licensing of PHVs.

Owners of both taxis and PHVs are required to apply for a licence from TfL before the vehicle can be used for taxi or private hire work in London. They must fulfil the criteria set out in the Conditions of Fitness (CoF) for taxis, and the vehicle regulations (for PHVs). Subsequent to this, an annual re-licensing process applies. For taxis this is a combined mechanical and licensing inspection, reflected in the taxi inspection manual². For PHVs this is two MOTs per annum plus a PHV licensing inspection, as described in the PHV inspection manual.

The Conditions of Fitness, the relevant Inspection Manuals and the PHV regulations will be issued in an updated form later in 2011. (These documents are not part of this consultation.) The updates will reflect both the age-based limits and emissions standards brought in by the MAQS. These will be available on the TPH section of TfL's website.

The exemptions from those age limits, which this consultation is about, will be confirmed by the Director of TPH by means of publication of a TPH notice, once he has considered all the responses received, and all other relevant matters.

TPH keeps taxi and PHV stakeholders informed of changes to regulations, as well as other relevant news and information, via TPH notices, which are posted on its section of the TfL website and sent to vehicle operators. At the start of this consultation, a TPH notice was sent out. A further TPH notice will be sent out when the decision on the exemptions has been taken.

Prior to this, at the start of May 2011, TPH Notice 05/11 announced the introduction of age-based limits and emissions standards and provided an email address for queries. Attached to the Notice was a poster setting out the changes, which PHV operators were asked to display in places where their drivers would see them. This notice was also put on the website for download.

TPH has also identified from its records those PHV drivers whose vehicles may not comply with the new age-based limits and will write to them to alert them to the forthcoming changes.

² It is planned to replace this with two MOTs per annum plus a basic annual taxi-related inspection, by April 2013

4. The proposed exemptions

It is proposed that a limited number of exemptions are applied in respect of the age-based and emissions limits subject to stated conditions and requirements. Some of these are pure exemptions (where the vehicle is not subject to the age-based limit) and others take the form of ‘grandfather rights’ (for certain older vehicles) or time extensions – the age-based limit will still apply, but it is extended for an additional period of time (for example, a 5 year extension to the 15 year age limit). These are maximum, one-off time extensions to the normal age limit and any extension granted is always subject to normal annual tax and PHV licensing and enforcement requirements. The proposed time extensions would mean that the age-based limits would need to be met by 2017.

This section sets out the proposed exemptions for taxis, followed by those proposed for PHVs. For reference, the age-based limits and emissions standards and the proposed exemptions are set out together in Appendix 1.

Taxis

It is proposed to extend the normal 15 year age limit by up to 5 years for taxis which have been converted to use approved alternative fuels – LPG, CNG and biomethane – or (looking to the future) which are electric vehicles or plug-in series or parallel electric vehicles.

For taxis with approved conversions to alternative fuels, the proposed extensions are linked to the date of first licensing with TPH and the date of conversion:

Date of first licensing with TPH	Criteria for proposed exemption
Licensed before implementation date of 1 Jan 2012	If approved & converted before 1/1/12, additional 5 years on 15-year rolling age limit
	If approved & converted on or after 1/1/12 and meets full emissions standards for Euro 5, additional 5 years on 15-year rolling age limit
Licensed on or after 1/1/2012 and before 1/4/2012	If approved & converted on or after 1/1/12 and meets full emissions standards for Euro 5, additional 5 years on 15-year rolling age limit
Licensed on or after 1/4/2012.	If approved & converted on or after 1/1/12 and meets full emissions standards for Euro 5, additional 5 years on 15-year rolling age limit

PHVs

For PHVs, it is also proposed to offer time extensions for certain conversions to alternative fuels. In addition it is proposed to give exemptions for historic and classic/niche vehicles; time extensions for Wheelchair Accessible Vehicles (WAVs) and for Specialist Needs Transport (SNT). Finally, it is proposed to offer a time extension to any PHV in scope for the London Low Emission Zone (LEZ).

Alternative fuels

It is proposed to offer additional time for compliance for PHVs which have been converted to use approved alternative fuels – LPG, CNG and biomethane. Looking to future developments, electric and plug-in or parallel series hybrid electric vehicles will also come within this category of exemption.

For PHVs with approved conversions to alternative fuels, the proposed extension is as follows:

- For PHVs first licensed before 1 January 2012, an additional 5 years on the 10-year rolling age limit will be permitted if they meet Euro 3

Historic and classic/niche vehicles

It is proposed to exempt all normally qualifying historic and classic/niche PHVs.

Wheelchair Accessible Vehicles (WAVs) and Specialist Needs Transport (SNT)

The proposed time extensions are linked to date of first licensing with TPH:

- For WAVs and SNTs licensed before 1 January 2012, it is proposed to allow an additional 5 years on the 10-year rolling age limit
- For WAVs and SNTs licensed on or after 1 January 2012 but before 1 April 2012, it is proposed to allow an additional 5 years on the 5-year age limit at first licensing; subsequently an additional 5 years on the 10-year rolling age limit
- For WAVs and SNTs licensed on or after 1 April 2012, it is proposed to allow an additional 5 years on the 5-year age limit at first licensing; subsequently an additional 5 years on the 10-year rolling age limit provided (in both cases) vehicles meet Euro 4.

London Low Emission Zone (LEZ)

It is proposed that PHVs which are in scope for the London Low Emission Zone (LEZ) be given a time extension from the age-based limits and emissions standards

put in place by the MAQS. They will, however, remain subject to the emissions standards put in place by LEZ.

It should be noted that from 3 January 2012 more vehicles are brought into scope for LEZ: including larger vans, minibuses and specialist diesel vehicles. The PHVs most likely to be affected from 2012 here are larger vehicles, some of which may be adapted for specialist uses. Taxis are not affected by LEZ.

Please refer to the dedicated section of the TfL website for more information on LEZ

www.tfl.gov.uk/lezlondon

5. Rationale for and application of proposed exemptions

The proposed exemptions set out in Section 4 are intended to take into account the concerns of taxi and private hire trade associations and individual drivers as expressed in the MAQS consultation and in subsequent contact with TPH. They are also designed to reflect the fact that some operators will have already made an investment in their vehicle to either reduce its air pollution emissions, or to enable that vehicle to be wheelchair-accessible or be available to the Specialist Needs market. It is recognised that these operators need some opportunity to recoup their investment, and so an extension to the normal time limit is proposed. In addition, a small number of operators use classic or niche vehicles as part of their trade and without an exemption to the age-based limits this type of business would not be viable.

However, it is also important that all taxis and PHVs make a contribution to improving air quality in London, and the age-based limits and emissions standards remain an important way to achieve this. For this reason, the proposed exemptions usually take the form of a time extension rather than an indefinite exemption. The approach of implementing both the new standards, and any exemptions which are confirmed, via the existing TPH licensing regime will help to minimise any additional bureaucracy and compliance cost to operators.

In this way it is intended to achieve a balance between the need for taxis and PHVs to play their part in reducing air pollution emissions and the need for requirements to be cost-effective and workable. It is also important that the quality of the fleet overall is maintained and putting in place a requirement to replace older vehicles – albeit more gradually – will help to maintain the safety and amenity provided to drivers and passengers.

The number and type of exemptions proposed here is in part determined by the nature of the taxi and PHV markets. Since taxis are purpose-built, there is no need to propose an exemption for historic or classic/niche vehicles, or for Specialist Needs Transport. Nor is it appropriate to offer exemptions for wheelchair-accessible taxis, given that this is already one of the conditions of licensing. In contrast, vehicles used

in the PHV trade are diverse, and the exemptions proposed take account of the range of vehicles in operation.

The remainder of this section describes the rationale for the proposed exemptions, considering each in turn.

Alternative fuels

The use of alternative fuels can have benefits in terms of reduced air pollution emissions, compared to conventional fuels. The proposed time extensions set out in Section 4 above are made in recognition of the financial investment made by vehicle owners using alternative fuels, and the associated reductions in PM and NO_x emissions from these vehicles. At present, the number of these vehicles licensed in London is small, around 23 taxis and 83 PHVs.

Time extensions are proposed for both taxis and PHVs, although the exemption criteria differ, due to the different vehicle types used in the two fleets. The exemptions have been developed with regard to the wider range of alternative fuel options available for PHVs, the relative costs of replacement for PHVs and taxis, and the feasibility of implementing the proposed exemptions within the existing licensing regime. The rationale for the proposed alternative fuel time extension is set out for taxis and PHVs separately below.

Taxis using an alternative fuel must have had a conversion post-manufacture. This conversion usually involves a significant cost. There are currently no manufactured alternative-fuel taxis, although the MAQS sets out the Mayor's ambition to encourage the development of these in future.

The PHV fleet is comprises a much wider range of vehicle types than that for taxis. As such, PHVs using an alternative fuel may be manufactured as such, or a conventional engine may be converted after manufacture. PHV operators have a much wider range of vehicles to choose from and have a greater opportunity to choose an alternative fuelled vehicle, rather than have to pay for a conversion (although this is still an option). Nevertheless, there is still a cost incurred in either choosing or converting to an alternatively-fuelled PHV, and this is recognised in the proposals. It is also important not to penalise taxi and PHV operators who have taken the initiative to improve the air pollution emissions of their vehicles in advance of the introduction of the MAQS standards.

For both taxis and PHVs there would be a requirement to demonstrate reduced emissions from the conversion.

In most cases alternative fuel taxis and PHVs use Liquid Petroleum Gas (LPG), although a few Compressed Natural Gas (CNG) vehicles are registered. TPH already notes these alternative fuel types at annual inspection. It is proposed that the time extensions would be available to LPG, CNG and biomethane vehicles, provided that the relevant European emissions standards (Euro standards) are met.

Anticipating future technological advances the additional time would also, in principle, be available to taxis and PHVs that were electric vehicles and plug-in hybrid electric vehicles, although in practice this would only apply to PHVs, and none are licensed or available at present. In principle, this would also apply to taxis, should taxis of this type become available and licensed in future.

A vehicle conversion to the above alternative fuel types can be verified at the annual inspection, and there is assurance that this alternative fuel continues to be used throughout the year. In contrast, other alternative fuels such as bioethanol and biodiesel can be alternated with conventional fuels, and their continued use cannot be assured beyond point of inspection. In addition, it is considered that there is insufficient evidence on their benefits to air quality. For this reason, no exemption is proposed for other types of alternative fuel and the proposed time extension is limited to LPG, CNG and biomethane.

No time extension or exemption is proposed for hybrid vehicles (in practice, only relevant for PHVs) which are not plug-in hybrid electric vehicles. Although these vehicles will often have reduced air pollution emissions compared to conventional engines/fuel types, there are a wide range of vehicles and modifications/conversion that could potentially be described as hybrid, and it is not feasible to assess and be assured of all these types using the existing PHV inspection regime. Non plug-in hybrid electric PHVs first licensed before 1 January 2012 will be subject to the 10-year rolling age limit (unless other exemptions apply). Operators who plan to apply to license vehicles on or after this date will be subject to the 5 year age limit at first licensing and then 10 years subsequently. By the time the standards come into effect in January 2012, operators will have had sufficient notice of the introduction of the age-based limits.

Alternative fuel taxis: Euro standards requirements

Taxis first licensed before 1 January 2012 *and* approved and converted before this date, will still be required to meet Euro 3 for PM and NO_x, regardless of the new standards introduced by MAQS.

Alternative fuel taxis licensed before 1 January 2012 but approved or converted *on or after* that date will need to demonstrate compliance with Euro 5 in order to qualify for the 5 year extension to the rolling 15-year age limit. The meaning of compliance with Euro 5 here means meeting the limits for all the air pollutant emissions in the standard. This is considered reasonable given that an operator would have had sufficient notice of the decision to implement standards announced in the MAQS in December 2010. The operator would need to provide evidence of compliance with Euro 5 to TPH in order to be eligible for this additional 5 years. Alternative fuel taxis which do *not* demonstrate full compliance with Euro 5 will not qualify for an extension and will be subject to the normal 15-year age limit. Please see the tables in Section 7 below which set out the emissions standards for relevant Euro standards.

Taxis licensed on or after 1 January 2012, and approved and converted on or after this date, must be fitted with an engine certified as, and fully compliant with the Euro 5 emissions standard which becomes mandatory for this class of vehicle on 1 January 2012, as per EU regulation 715/2007. Alternative fuel taxis which are not certified and compliant with all the requirements of Euro 5 will not qualify for an extension and will be subject to the normal 15-year rolling age limit.

Alternative fuel PHVs: Euro standards requirements

It is proposed that alternative fuel PHVs licensed *before* 1 January 2012 and approved and converted before this date should have a 5 year extension to the normal 10-year rolling age limit. This is in recognition of the costs incurred in either converting the vehicle or choosing an alternatively-fuelled vehicle.

No extension to the normal rolling 10 year age limit is proposed for alternative fuel PHVs licensed after 1 January 2012 and/or approved and converted on or after this date.

In the same way as for taxis, the proposed exemption is in recognition of the costs incurred, and the fact that some operators have chosen to improve the air pollution emissions of their vehicle in advance of the MAQS standards. However, there is a wider range of vehicles which can be used as PHVs compared to taxis, and therefore the costs of either choosing an alternative fuel vehicle or converting a conventional engine, are relatively lower. Regardless of fuel type, PHVs may be replaced at a lower cost than taxis, and in general the PHV fleet is younger and more often replaced than that for taxis. For these reasons, and because operators will have had sufficient notice of the introduction of age-based limits, it is not proposed to offer additional compliance time to PHVs licensed on or after January 2012 and/or approved and converted on or after this date.

Abatement equipment to meet Euro standards (both taxis and PHVs)

Fitting abatement equipment to a vehicle can reduce its emissions and may ensure compliance with the relevant Euro standard.

At present there is no evidence that any effective abatement system is available to enable otherwise non-compliant vehicles to be converted to meet relevant Euro 4 or Euro 5 emissions standards for *both* NO_x and PM. Notwithstanding the current position, TPH will consider any abatement equipment system presented for inspection and testing with a view to establishing to TPH's satisfaction whether it would permit a vehicle to be converted and credibly maintained to the relevant Euro emissions standard. In the event that this can be established consideration will be given, on case by case individual vehicle basis, as to whether it would be appropriate to grant that vehicle an extension to the normally applicable age limit and what the period of any extension would be. The granting of any such extension will be subject to other normal licensing considerations and requirements.

The classification of historic, classic and niche vehicles already exists and is assessed annually by TPH as part of re-licensing, as well as at first licensing. A historic vehicle is one manufactured before 1 January 1973 (as per DVLA definition). TPH has criteria to determine classic and niche vehicles which are applied at licensing. Vehicles recognised as being in one or more of these categories will be exempted from the age-based limits and emissions standards applied by the MAQS.

Historic vehicles (and some classic/niche vehicles) were manufactured prior to the introduction of Euro standards. While in some cases it may be possible to fit equipment which may ensure compliance, this is thought to be generally unlikely, and an undue burden. For some classic and niche vehicles, their age and character is the main selling point of their business. Without the proposed exemption, these vehicles would not be able to operate as PHVs. In all cases – historic, classic and niche, a relatively small number of vehicles would be affected by the proposed exemption. TfL reserves the right to review this category of exemption if the numbers of vehicles affected increase significantly.

Wheelchair Accessible Vehicles (WAVs)

WAVs are identified as such at licensing / re-licensing. It is considered appropriate to provide a time extension for these vehicles because they fulfil an important social role and will have been specially-constructed or converted in order to carry wheelchairs, which incurs a significant cost. In addition, the numbers of vehicles affected are relatively small. That said, it is considered important that these vehicles are encouraged to improve their level of emissions, and for this reason it is proposed that these vehicles are given additional time to comply with the age-based limits, rather than a complete exemption. In addition, WAVs licensed on or after 1 April 2012 must meet Euro 4 standard. It is considered reasonable that vehicles new to the fleet meet the emissions standard, which was confirmed in December 2010, giving operators sufficient notice of this requirement.

Specialist Needs Transport (SNT)

This classification will be determined at licensing/ relicensing. Operators with these vehicles generally work under contract from local authorities, health care trusts and educational authorities. These vehicles are adapted to carry passengers with particular needs and are typically larger type vehicles.

If the vehicle has been adapted to perform work of a specialised purpose, TfL may have to assess exemption on a case-by-case basis. Evidence confirming a contract with an appropriate authority or other agency to provide this service may be required at point of licensing. The proposal to allow additional compliance time for SNTs follows the same principal as for WAVs. This includes the requirement for vehicles licensed after 1 April 2012 to be Euro 4 at point of licensing.

It should be noted that certain SNT PHVs will fall under the requirements of the Low Emission Zone, however it is proposed that these are eligible for an additional 5 years on the age-based limit (see below).

The London Low Emission Zone (LEZ)

It is proposed to offer a further 5 years' compliance time for PHVs licensed before 1 April 2012 which are within scope of the LEZ. Vehicles which are likely to be in scope for LEZ from January 2012 are heavier vehicles – larger vans, minibuses and some specialist diesel vehicles. For PHVs, this may include certain vehicles which have been specially converted to carry wheelchairs or as Specialist Needs transport. These conversions can incur significant cost. The proposed time extension is in order to avoid these operators having to comply with two sets of standards, which would be excessively onerous. In practice a very small number of vehicles would be affected.

The London Low Emission Zone (LEZ) contributes to improved air quality and associated health benefits by discouraging the most individually polluting heavy diesel vehicles from operating in Greater London. It operates 24 hours a day, 365 days a year and sets minimum emissions standards that vehicles are required to meet in order to drive within the zone without paying a substantial daily charge. The first phases were introduced in 2008 and require lorries, buses and coaches to meet a Euro 3 standard for PM emissions. From 3 January 2012, larger vans, minibuses and other specialist diesel vehicles will be required to meet the Euro 3 standard for PM emissions and the standard for lorries, buses and coaches will be tightened to Euro 4 for PM emissions. Cars and taxis are not included in the LEZ.

Some PHVs fall into the vehicle classes to be covered by the LEZ from January 2012. These are typically conversions of vans or minibuses, sometimes to produce WAVs or vehicles for providing Special Needs Transport but in some cases to serve a specialised market that would not fall under one of the other definitions. To allow the owners and operators of these vehicles to recover the costs associated with conversion and LEZ compliance, it is proposed that there should be additional compliance time to meet the age limits and emissions standards. This additional time would be the same as that proposed for SNT vehicles. PHVs which come in scope for LEZ and which are licensed on or after 1 April 2012 will be required to meet Euro 4 standard at point of licensing.

Vans and minibuses *under* 10 years old (at 1 Jan 2012) will, as a matter of course, meet the requirements put in place by LEZ in January 2012: Euro 3 for particulate matter, and so no particular exemption to the age-based limits is required.

6. Operational issues

The implementation of both the age-based limits and emissions standards put in place by the MAQS, and any of the proposed exemptions which are confirmed following this consultation, will be via the existing TPH mechanisms for annual inspection and re-licensing of taxis and PHVs. It may be useful to set out here some additional definitions, to aid understanding of how these will work in practice.

TPH will inform the taxi and PHV trade of any changes to licensing via TPH notices and other communications, as is usual practice.

Date from which age of vehicle is calculated

Both the age-based limits and emissions standards put in place by the MAQS, and the proposed exemptions (exemptions, time extensions and grandfather rights) refer to the date of licensing and/or the age of vehicle. For these purposes a vehicle's age will normally be based on the date at which the vehicle was first registered with the DVLA. In exceptional circumstances, TPH may allow this to be determined by the date of manufacture, subject to a case for doing so and the presentation of acceptable documentation.

Date of first licensing (newly-licensed)

In this document the date of licensing means the date of first licensing with TPH. Vehicles may have been licensed outside London prior to this.

Annual re-licensing and the rolling age-limits

The rolling age limits – and additional years for which the vehicle is eligible – will be applied at the point of vehicle licensing and re-licensing or licence renewal (the vehicle's 'birthday').

Lapses in licensing

Occasionally, an operator may choose not to apply for re-licensing (licence renewal) at every licensing birthday. In order to still remain eligible for the proposed exemptions, re-licensing or renewal would need to take place within 3 months of the date the license lapsed.

Further information

Please refer to the relevant documents for further information regarding licensing. For taxis this will include the Conditions of Fitness, the Inspection Manual. For PHVs this will be the vehicle regulations and Inspection Manual. As described in Section 3 above, updated versions of these will be issued later in 2011.

7. Euro standards

As set out in the Conditions of Fitness, new taxi models, or currently approved taxi models which are new to licensing in London, must meet the current and relevant EC Directive for exhaust emissions (i.e. the current respective Euro standard) as notified by TPH from time to time by means of a TPH notice. Taxi models approved and licensed in London prior to October 2006 must meet prescribed Euro 3 emissions standards for NO_x and PM.

The new standards put in place by the MAQS include a Euro 3 and Euro 5 standard for taxis and a Euro 4 standard for PHVs licensed on or after 1 Jan 2012.

The proposed exemptions also, in some cases, require the vehicle to comply with specified Euro standards. These are set out in full in Appendix 1. In summary, Euro 5 for taxis, and Euro 3 and Euro 4 for PHVs are relevant here.

The European emissions standards ('Euro standards') define the acceptable limits for exhaust emissions of a range of pollutants from new vehicles sold in the EU. There are different requirements for different vehicle categories and each standard is progressively more stringent than the previous standard. As soon as each standard comes into force, EU Member States must refuse the approval, registration, sale and introduction of vehicles that do not comply with the emissions limits. An additional specified period of time is allowed for the registration and sale of new vehicles.

The legislation for Euro 3 and Euro 4 is EU directive 70/220 EC amended with 98/69/EC and further amended by 2002/80/EC. The most recent standards, Euro 5 and 6 are now enacted through European Council Regulation 715 / 2007. Although the name of the Euro standard is the same, the actual emissions limits vary by class of vehicle.

With regard to Euro standards, taxis are usually treated as N1 vehicles. Most PHVs will be classified and treated as M1 vehicles, on the basis that they are passenger cars, although some larger PHVs may be in other vehicle classes. The tables below set out the emissions limits (grammes/km as measured on NEDC³ test cycle) for the Euro standards that are relevant to the proposed exemptions.

Note that newly-manufactured taxis from 1 January 2012 will meet Euro 5, ahead of the introduction of the emissions standard introduced by the MAQS.

Taxis (Euro 5)

N1 class 3 limits	CO	HC	HC+NOx	NOx	PM
Diesel engine	0.74	-	0.350	0.280	0.005
LPG	2.27	0.16		0.082	0.005

PHV Euro 4 (assuming based upon passenger cars)

M1 car limits	CO	HC	HC+NOx	NOx	PM
Diesel engine	0.5	-	0.30	0.25	0.025

³ New European Driving Cycle

Petrol Engine	1.0	0.1	-	0.08	-
LPG	1.0	0.1	-	0.08	-

PHV Euro 3 (assuming based upon passenger cars)

M1 car limits	CO	HC	HC+NOx	NOx	PM
Diesel engine	0.64	-	0.56	0.50	0.05
Petrol Engine	2.30	0.20	-	0.15	-
LPG	2.30	0.20	-	0.15	-

8. Impacts of the proposals

It is expected that, in the fleet projected for 2012, around 1,200 taxis and around 4,000 PHVs would be affected by the age-based limits and emissions standards introduced by the MAQS. The projected fleet in total at that time would comprise 22,000 taxis and 49,000 PHVs (all figures are rounded). The exemptions proposed within this document would apply to a relatively small number of vehicles which would be affected by the MAQS standards. These figures, and the assessment set out below, formed part of the MAQS consultation and are not part of the present consultation on exemptions.

Assessment of impacts

An Integrated Impact Assessment⁴ (IIA) of the proposals contained in the draft MAQS was published for the public consultation on the draft strategy in summer 2010. Following the confirmation of the MAQS in December 2010, a Post-Adoption Statement (PAS) to the IIA was also published.

The IIA included an assessment of Policy 4, noting that the proposals would “encourage and accelerate the introduction and use of cleaner vehicles. These will generally reduce emissions of CO₂ and reduce noise pollution, as well as creating business opportunities.” It also noted that the vehicles covered by the proposals “do large mileages in busy areas, so reducing emissions from a small number of vehicles can have disproportionate benefits.” The IIA assessed proposals against 15 objectives, and for the Air Quality objective assessed Policy 4 as ‘++ policy very good for this objective.’

⁴ *Integrated Impact Assessment of Clearing the Air: The Mayor of London’s draft air quality strategy.* Levett-Therivel Sustainability Consultants with Ben Cave Associates, Zahno Rao Associates, University of Huddersfield

The IIA and the PAS are available online:

<http://www.london.gov.uk/air-quality/links>

9. Review and monitoring of the policy

The MAQS states that the impact of the age limits and approved exemptions to them, will be monitored and may be subject to review in the future (see Policy 4). It is envisaged that TPH would undertake this monitoring as part of its ongoing appraisal of the fleet. If a review were to result in a proposal to change the age-based limits, the emissions standards or such exemptions to these as may be approved following this consultation, there would be discussion with the taxi and PHV trades. It is envisaged that any further changes would be reflected in the Conditions of Fitness and the PHV licensing regulations, and be announced via a TPH notice.

10. Decision-making and implementation timetable

Responses to this consultation will be considered by the Director of TPH. His decision on the approved exemptions from the age-based limits will be announced later in 2011 following consideration of the responses to this consultation and any other relevant considerations. That decision will be disseminated via a TPH notice which will set out the exceptions to the normal age-based limits for taxis and PHVs that will then apply, together with any related conditions or other requirements.

11. Responding to the consultation

The proposals for exemptions set out in Section 4 of this document are subject to consultation from 23 May to 18 July 2011. Responses should be addressed to the Director of Taxis and Private Hire, and may be made by email or post as follows:

By email:

tph.consultation@tfl.gov.uk

By post:

John Mason
Taxi and Private Hire
Transport for London
4th Floor Yellow
Palestra
197 Blackfriars Road
London, SE1 8NJ

The consultation questions:

- Are the proposed exemptions the correct ones?

- Do you feel any additional exemptions are required?
- If so, what are these and why?
- Do you agree with the proposed definition of vehicle age for the purposes of the age-based limits (normally calculated from date of first registration with the DVLA)?
- Do you agree with the proposed date of 1 January 2012 as the cut-off point for 'grandfather rights' where vehicles have had approved conversions?

You may suggest other categories of exemption or comment on the material contained in this document.

12. Appendix 1: Table of age-based limits, emissions standards and proposed exemptions

Please see next page

Taxi & PHV Exemptions - Consultation

This section is not for consultation
(is set out in MAQS)

Proposals below are for
consultation

**Age-based
limit** **Emissions
Standard**

Proposed exemptions

	Implementation date	Maximum rolling age-based limit (2)	Minimum Emissions Standard (Euro Standard)	Alternative fuel	Historic vehicle (6) and classic/niche (7)	Wheelchair-accessible vehicles (8)	Specialist needs transport (9)	Vehicle covered by LEZ requirements	
Taxis	Licensed (1) before implementation date of 1 Jan 2012	01-Jan-12	15 years	Euro III (under current CoF)	If approved & converted before 1/1/12, additional 5 years on 15-year rolling age limit (4)	Exemption criteria not relevant for taxis	Exemption criteria not relevant for taxis	Not applicable	
					If approved & converted on or after 1/1/12 and meets full requirements for Euro V, additional 5 years on 15-year rolling age limit (5)			Not applicable	
	Licensed (1) on or after 1/1/2012 and before 1/4/2012	01-Jan-12	15 years	Euro III (under current CoF)	If approved & converted on or after 1/1/12 and meets full requirements for Euro V, additional 5 years on 15-year rolling age limit (5)	Not applicable	Not applicable - all taxis are wheelchair-accessible as part of CoF	Not applicable	Not applicable
	Licensed (1) on or after 1/4/2012.	01-Apr-12	15 years (3)	Euro V/5	Not applicable	Not applicable	Not applicable - all taxis are wheelchair-accessible as part of CoF	Not applicable	Not applicable
PHVs	Licensed (1) before implementation date of 1 Jan 2012	01-Jan-12	10 years	N/A	Additional 5 years on 10-year rolling age limit if conversion meets Euro 3	Exempted (7)	Additional 5 years on 10-year rolling age limit (10)	Additional 5 years on 10-year rolling age limit (10)	Additional 5 years on 10-year rolling age limit (10)
	Licensed (1) on or after 1 January 2012 and before 1 April 2012	01-Jan-12	10 years	N/A	No exemption	Exempted (7)	Additional 5 years at first licensing on the 10-year age limit (10)	Additional 5 years at first licensing on the 10-year age limit (10)	Additional 5 years at first licensing on the 10-year age limit (10)
	Licensed (1) on or after 1 April 2012.	01-Apr-12	5 years at first licensing, then 10 years subsequently	Euro 4	No exemption	Exempted (7)	Additional 5 years on 5-year age limit at first licensing; subsequently additional 5 years on the 10-year age limit; must be Euro 4 standard (10)	Additional 5 years on 5-year age limit at first licensing; subsequently an additional 5 years on the 10-year age limit; must be Euro 4 at point of licensing (10)	Additional 5 years on 5-year age limit at first licensing; subsequently an additional 5 years on the 10-year age limit; must be Euro 4 at point of licensing

1 Licensed here means first date of licence with TPH

2 Age is from date of registration with DVLA. The age for the taxi or PHV will be as at date of annual re-licensing

3 Note that all newly-manufactured taxis will be Euro V/5 from January 2012

4 Approved as per Conditions of Fitness - would need to meet Euro 3, TPH will assess conversions

5 To meet emissions standards of the EC directive on Euro V/5

6 As per DVLA definition: manufactured before 1 Jan 1973

7 Classic/niche vehicles will be determined on application to TPH using existing criteria. If they meet these criteria, they will be exempted from the age-based limits.

8 Wheelchair Accessible Vehicles (WAVs) are already identified as such at licensing

9 Operators will need to apply to TPH to be registered as Specialist Needs Transport (SNT)

10 Certain classes of diesel vehicles will still need to meet LEZ emissions requirements - Euro 3 for PM